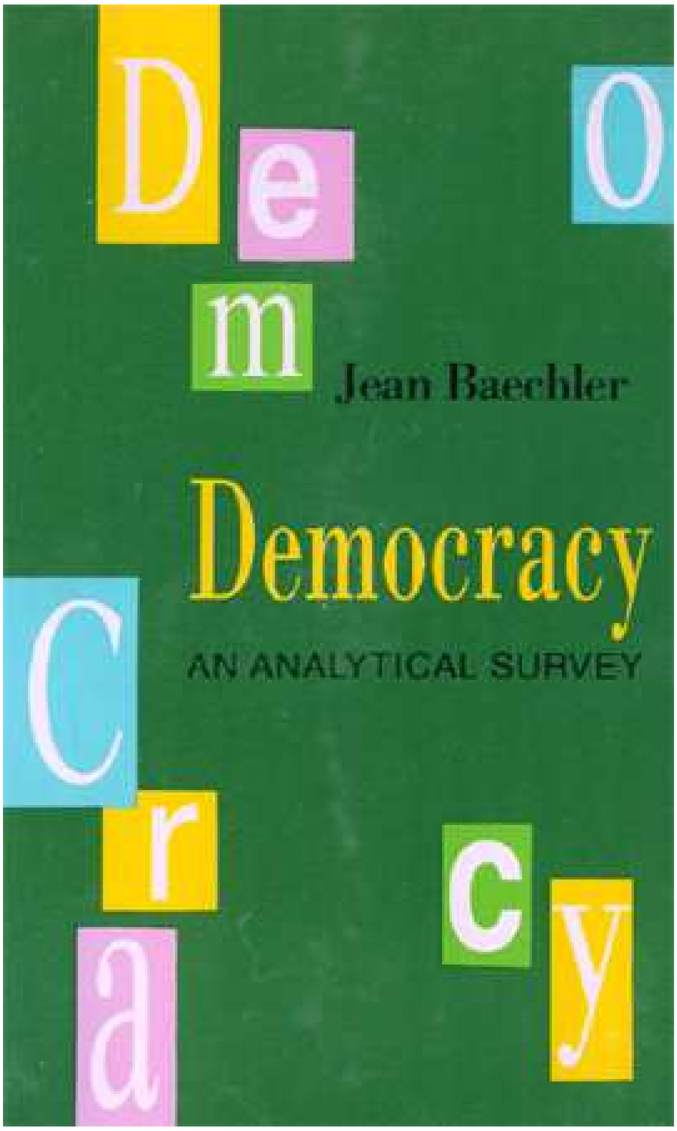


This book deals with a phenomenon which is now being discussed in many parts of the world. After decades of totalitarian or authoritarian rule, democracy has been restored or established for the first time in a number of countries. The transition to democracy and the consolidation of democracy are not easy processes. For this very reason some hesitation exists with regard to the use of the term 'democracy' without adding qualifying adjectives such as 'real' or 'genuine'.

Although some people consider themselves to be 'absolute democrats' in word and deed, many questions concerning democracy are asked by specialists as well as by ordinary people. What is democracy? Are elections sufficient to guarantee the existence of democratic government? Is the principle of majority rule sufficient to ensure democracy? What happens when a properly assembled majority makes regular decisions which harm a minority? Is a unique model of democracy suitable for all countries? Are there rules which are indispensable for all models of democracy?

This book, written by Jean Baechler, professor at the University of the Sorbonne in Paris and author of several works on this subject, analyses in depth the nature of-democracy which is, without any doubt, complex and multi-dimensional.

The analytical approach proposed by the author encourages further reflection on all democracy-related problems and provides a solid theoretical background for contemporary discussion. This book is therefore of interest to specialists as well as all those who are striving for the consolidation of democracy in their own countries and throughout the world.

Contents

Preface

Democracy, characterized by Benjamin Franklin in the late eighteenth century as a ‘rising sun’, remains very much in the ascendant 200 years later. For people the world over, it is increasingly the focus of their hopes for a brighter future and aspirations for a life of freedom and dignity. The democratic idea has exerted a powerful influence in recent times in Africa, Asia, Central and Eastern Europe and Latin America, where many countries are currently addressing the difficult challenges inherent in the apprenticeship of freedom.

Yet the growing consensus in favour of democracy rests on many unanswered questions. Foremost among these concerns the precise meaning or meanings we should attach to the term. A related question has to do with the applicability of the democratic concept to the wide range of socio-economic and cultural situations existing in the world today. From the practical standpoint, there is much uncertainty as to the best approach to adopt in order to implant or renew with democratic tradition and practice.

Recent experience has shown that the introduction of democracy is a complex process which involves more than mere political transformations. The transition to democracy concerns the whole body politic — that is to say, all the individuals that constitute it and their social relationships. Success in constructing a democratic civil society depends on the commitment of the population at large to the democratic ideal, on its active involvement in all aspects of political, social and cultural life, on tolerance of difference combined with respect for majority opinion, as well as on the existence of democratic institutions and wise political leadership. Democracy cannot therefore be achieved rapidly — particularly in countries emerging from decades of totalitarian or authoritarian rule — since changes in human attitudes are less easily accomplished than the remodelling of political structures.

UNESCO is convinced that the promotion of a culture of democracy is an important foundation for the successful implementation of democratic reforms. For whereas there can be no single model of democracy applicable to all countries, while the democratic ethos necessarily reflects the cultural specificities of a given society, it is still possible to identify certain general principles, values and practices essential to the successful functioning of democracy. Furthering knowledge and observance of these democratic ground rules through educational means of all kinds is one of the keys to nurturing a culture of democracy based on freedom of expression, respect for human rights, and acceptance of civil responsibilities, pluralism and mutual understanding.

UNESCO has organized several major international conferences on this theme: Democratic Culture and Development (Montevideo, 1991), Culture and Democracy (Prague, 1991), Education for Democracy (Tunis, 1992), Education for Human Rights and Democracy (Montreal, 1993) and Democracy and Tolerance (Seoul, 1994). A number of international workshops devoted to problems of democracy-building and the promotion of a democratic culture have been convened and various publications have been prepared.

I hope that this book will enrich knowledge and under-standing of the democratic phenomenon in all its aspects — historical, political, social, cultural and philosophical — and will in this way make its own contribution to the process it describes — to the cultivation of that 'art of thinking independently together' which in a true democracy should approximate to a second nature.

FEDERICO MAYOR Director-General of UNESCO

Introduction

Democracy is a much talked-about subject among our public today for whom, fortunately, the governance of the country has been by and large by democratic principles for fifty long years, that is since India discarded the colonial system and the transfer of power was affected whereby a new state was born.

If one were to go by experience, one has to keep in mind the fact that there have been many critics of official actions in the last fifty years, but very little that has blamed the democratic order for all that has happened. Although there have been dark patches when the domestic functioning was temporarily given up by the ruling establishment, there was

hardly any outright abandonment of the democratic order in preference to absolutist and totalitarianism style of state functioning. It is here that the real strength of Indian democracy lies, that the people at large have so far accepted not even temporary lapses from democratic functioning by those who had been involved with power. What was set up temporarily could not be the model for any non-democratic or anti-democratic political system.

Recent years have been witness to many perceptions and some of these raise questions referring to democracy. However, although the parliamentary system has been openly challenged in favour of a presidential system, one hardly comes across any serious questioning of the democratic order *per se.* At the same time one cannot overlook the fact that some of the manifestations of public conduct under democracy have raised serious questions in the minds of the people. For this it is necessary to bear in mind the fact that these questions can no longer be shelved but discussed in all seriousness so that the solution of each of these problems could be reached and to that measure, the democratic functioning could be restored.

The question naturally arises because India happens to be a conglomerate of multi-ethnic and multi-cultural entities. Unlike many other countries, India does not have a monolith of a particular faith. As in this huge country with a chequered history, many civilizational streams have mingled, and most of them have preferred to live side by side in peace and with honour. Therefore, the question of minority protection assumes an undeniable feature of Indian democracy. Wherever the minority, ethnic or religious, has been coerced there one could detect a definite tendency to abandon the democratic functioning and resort is taken to anti-democratic means. Such aberrations even if they succeed temporarily, inflict a lot of injury to the democratic temper of the people. With the spread of knowledge, such a narrow approach is being given up, and yet these are resorted to sometimes for opportunist ends and for short-term gains.

In the actual polling, political parties have often based themselves on the short-term gain by resorting to communal appeals. Although there are stringent laws and regulations against any resort to communal appeals or provocations, our actual practice has shown that loopholes in the law have been common. The fact that there is a growing public demand for such restriction speaks volume of the democratic seriousness of the public in general. Much along the same lines though not with the same pernicious means the appeal to caste votes has often swayed the poll results. Although this has been much more on the ascendant than it was in the past, any deviation from democratic practice leads to open complaints and the more these are vocal the more salutary it becomes for India's democracy.

In recent years, the question of corruption has become one of the major banes of public life in India. Inevitably this is bound to infect the healthy functioning of democracy. For one thing, large-scale corruption on the part of political leaders — or those active in political life — has to a large measure lowered the image of our democracy. Can these be rectified? In the book, one full chapter entitled 'Corruptions of Democracy' has treated the subject. However, there are very many questions in the Indian experience which need to be addressed to. The delay in catching the culprits, the manner of functioning of rules in a state does delay the prompt rectification of this menace. Secondly, the legal procedures are often so time-consuming that it taxes on the

public patience. Thirdly, the law of proof is so effective against those accused of the guilt that the common public is frightened about the outcome. In the context, it is unnecessary to be too protracted for the public in general. Here comes in the role of the public organizations acting as watch-dog bodies for democracy. Political parties as such have to be supplemented by a vast network of non-official activist organizations to undertake the task. Although marked 'subsidiary' in traditional gradations, these in fact may form the decisive core of vigilance in certain circumstances.

The delay in dealing with corruption may often lead to the flagging of the public interest or generate a cynical view that those involved in serious allegations of corruption in public are seldom punished. It will be necessary to take more effective means to deal with this growing menace though one has to guard against any reinforcing the anti-democratic or totalitarian forms. How this has to be done depends on the peculiarities and problems facing the challenge in different countries.

An important feature of the Indian democracy is that it is inherently federal, though not specifically mentioned as such in the constitution of India. With the elimination of one-party rule at the centre, the period for coalition politics has come. And coalition politics would mean that the centre would be subservient to the dictates of more than one party. This also means that the clamours of the state will be more pronounced, and to that respect the centre would be very much under the subject of state-level provincial pressures. Can the dominant group in a state's politics influence beyond measure the fate of the central politics? Where does one draw the line? It is for the far-seeing democratic experts to decide. The example of other countries can help upto a point, but beyond that each has to depend on its own experience.

In this context, it is worth mentioning that in the last few years, India has launched what may be called the grass-root democracy at the village level. These Panchayats carry the true reflection of the urges and prejudices in a particular area. When the country will be able to integrate the call of the Panchayati Raj with the traditional structure of political formations — namely the centre and the states — then only can such a democracy be enriched in a unique manner.

Journalist

NIKHIL CHAKRAVARTY

1
THE NATURE OF THE POLITICAL ORDER

Man

Since we are trying to define the 'good' political regime, we begin with man, because if the regime is good, it is good for everybody. Thus, we must adopt the viewpoint of all men that is of man. It can be objected that man does not exist; only men do. We shall not get involved in the philosophical and logical quarrel of the 'universals', a clash between realists and nominalists at the end of the European Middle Ages. The realists considered generalities like 'animal' or 'man' as real, whereas for the nominalists only singular

individuals were real, the rest being only more or less convenient words. The quarrel was not artificial. A middle-of-the-road solution might be the following. The human species exists as a reality, at least in the sense that men are not bees or chimpanzees. Thus it should be possible to define the characteristics differentiating men from all other animal species. Let's give at once the general answer: man is distinguished by freedom, rationality and purpose. Note that the definition applies to 'man', and not necessarily to 'men' because some men are not free, are irrational and pursue no end. Consequently, it is reasonable to assert that man exists only as incarnated in men, and men are human in proportion to the characteristics of man that they succeed in realizing in themselves.

These precisions are important because two pitfalls must be avoided when investigating political regimes. We must not construct a rational fiction without taking account of the historical and social conditions of its realization. But it would also be misleading to consider only these particular conditions, and insist that there are only particular cases. We would risk losing all possibility of deciding between good and bad regimes. Just as for man, we shall defend a more satisfying position. Democracy has its own nature of universal value, but it can exist only as reflected in infinitely diverse historical material. That means that there is not just one democracy, but democracies, both identical and different.

Free man

The concept of freedom is extremely controversial and ambiguous. It has been obscured by its use in such different domains as psychology, politics, ethics and religion. These usages, too constant to be abusive or artificial, seem to be particular transcriptions of a general formula. There are two ways of reaching this formula. First, we could note all the word's occurrences and infer from them one or more definitions comprising all its uses. But this method is fastidious and uncertain and raises the problem of the language to be used for conducting the study. It would stop short of classical Chinese where the word does not exist! A surer way is to proceed deductively from a hypothesis, and then verify that the usages conform to the deduction's conclusions.

Our hypothesis will be negative in a way: the nature of freedom can best be understood by starting from its contradiction, non-freedom. One conceives of three states of radical non-freedom: necessity, heteronomy and disorder. Necessity is given in the general formula: 'If A, then B', that of causality and determination, where everything happens forseeably and inescapably. Its opposite would be a formula of the unforeseeable and contingent: 'If A, then B or C'. From the subject's viewpoint, to be free means being able to choose among several solutions. For the exterior observer, it means that the subject's choices are unpredictable. Thus a first definition of freedom is choice.

The formula, 'If A, then B or C', can also be interpreted differently. The 'or' can be considered as determined by factors, or (X, Y, Z), depending in turn on other more subtle and remote factors: X or Y or Z = *f* (O, P, Q) and so form, so that the unpredictability of choices does not result from the subject's freedom, but from the fact that his choices' determinants are so numerous and entangled that what they determine escapes both the subject and the observer. By a contradictory definition, to be free is to choose with full knowledge of the facts, after deliberation; or, more precisely, to be capable of forging projects and mobilizing the means for attaining them; finally, to be able to do this without

the interference of another’s deliberations, projects and means. Here we obtain a second definition of freedom as the subject’s autonomy within a specific sphere of activity.

The general formula for freedom can succumb to still another objection or imperfection: ‘If A, then B or C, differently’. Autonomous choices can be made with problems badly and/or inadequate solutions. Then the subject chooses indifferently between good and evil, true and false, useful and useless, beautiful and ugly, etc., depending on his moods and fantasies. He chooses disorder in autonomy. To be free is to be capable of pursuing activities conforming to their own rationality, which implies mat one is able to recognize and grasp human activities’ specific rationality or purpose. Not only is a human being not free to kill, steal, profane, to say that two and two make five, to set up a machine upside down, but he is not even free when he is doing such things. Hence we arrive at a third and final definition of freedom as rectitude.

Freedom is tripartite. It is made up of choice, autonomy and rectitude and is the opposite of the equally tripartite non-freedom, composed of necessity, heteronomy and disorder. To state that man is free is saying that the human species as such is endowed with the natural capacity — or, according to a more contemporary expression, that the genome of the species is so constituted that it has the capacity — to make correct autonomous choices. But what about men, the species representatives? Their situation can be denned as follows: assume that freedom and non-freedom are two extreme poles connected by a continuum. Each man, as a real individual, inserted in a specific social and historical context, is located somewhere on this continuum. In other words, he is more or less free, depending on his talents, social position, resources, efforts, etc., and on the political regime under which he lives.

Calculating man

The European philosophical tradition had accustomed us to using the epithet ‘reasonable’. But it has become difficult to retain, because its meaning has shifted; it has become almost synonymous with ‘prudent’ and ‘moderate’, which is misleading. ‘Rational’ might serve if depth psychology and the century’s madness did not provoke a spontaneous objection, true but beside the point: ‘Man is also irrational’.’ It would seem that ‘calculating’ is neutral and new enough not to interfere with the reader’s prejudices. Calculation is the human being’s capacity for mobilizing his faculties for specific ends. These faculties—perception, memory, imagination, symbolization, intelligence, reflection and will — can be considered as tools provided by God or nature for fulfilling man’s destiny as a free species.

Calculation can be defined broadly or narrowly, depending on the projected analysis. The narrow definition states that man can establish the balance sheet of any undertaking, by entering costs as losses and profits as gains. Hence, he is assumed to be capable of choosing the outcome, whether the most positive or most negative. The broad definition is much more ambitious for man. It attributes to him the capacity to invent solutions to all problems he faces so long as these solutions exist. It may be that not all human problems have solutions, but man can resolve all solvable problems.

The distinction between man and men is still more crucial here, and can be symbolized in the same way as freedom. Construct a continuum between the calculations, broad or

narrow but perfect, to which man can aspire, and the wholly erroneous calculation of man on the threshold of inhumanity through profound debility. Each man is found somewhere on this continuum, a more or less good calculator, depending on a complex range of personal, social and historical factors. Although man eventually resolves all of his solvable problems, men run a constant risk that they will become entangled in inextricable ones and end up with bad solutions.

End-oriented man

A free and calculating man seeks specific ends. Man's nature and condition pose problems whose solution is a matter of survival, or, more generally, of his faithfulness to his specific vocation. Without pushing the analysis too far for our present study, we can point out certain ends in what we have just been saying. Freedom and non-freedom have been defined and a continuum has been constructed where men are placed- Since man is free, he is free to tend towards either one of the poles. He is free in the sense that he has the capacity to make this choice autonomously, but rectitude prevents this. Consequently, freedom is not only a condition; it is above all an end towards which man must direct himself. One end of the members of the species is to be as free as possible, given the circumstantial constraints exercised on them. They must be as free as possible with rectitude: freedom as an end imposes this. Rectitude means choosing well and correctly. Thus new ends emerge: goodness and truth, but also usefulness and effectiveness.

Ends can also be discovered by a less ethereal method. As a living being, man is an energetic system who must manage as efficiently as possible the balance of energy spent and energy produced. He can replace the energy spent by a combination of nourishment and economizing the energy to be spent, using shelter and clothing. Nourishment, clothing and shelter are solutions to the energy problem. But there are also problems in themselves, since to be realized they require certain resources. Now we begin to glimpse a specific end for man. We can call it prosperity, meaning a sufficiency of resources for providing food, clothing and shelter. But things may be just a bit more complicated, because man mobilizes resources for ends other than these basic ones, and because prosperity is defined not only by the relationship of resources to needs, but also of resources to desires.

In a word, ends are solutions that would resolve perfectly the problems posed to man by his nature and condition. This is why ends are both integrated into instrumental systems in terms of means and ends, and objectives towards which a free and calculating species has the ethical duty to strive.

Problematical man

The species' problematical nature is a direct result of human freedom. In contemporary terms, freedom can also be defined as an absence of programming- Of all living species; humans have the least amount of genetic programming in their behaviour and customs. The specificity of human nature is to be virtual and to actualize itself in cultures. For example, man and men are normally capable of speaking, because they possess a pharingo-laryngeal apparatus and the cerebral connection required for communicating by this linking of coded resonant symbols that make up language. Man and men

can speak absolutely, that is, they can speak all possible languages, and thus not any one in particular. To speak effectively, men must learn to speak a specific language — English, Chinese, Azande.

Spoken languages are cultural products. Therefore, man is by nature capable of language, but it is culture that provides the languages. We do not have to go into the origin of cultures and languages, but it is obvious that languages like cultures are productions of men placed in a specific historical context. As for the methods of production, we have to turn to linguists and philologists for the details.

Take another example, just as simple. We have pointed out man's need, as a living energetic system to economize and replace spent energy by means of food, clothing and shelter. Nature inevitably pushes him to do so. Otherwise, he would perish. But nature does not dictate concrete modes for these necessities. Nature has never whispered to men that they had to live in huts, caves, igloos, yurts, palaces or high-rise apartments. Nature can suggest solutions, but it cannot impose anything. Similarly, diet can be suggested by the environment, but man is the only complete omnivore, and in any given environment the number of edible animal and vegetable species always surpasses the number consumed. The generality that nature determines diet is true in terms of calories, of the balance of foods eaten, of everything connected with dietetics, but it is cultures that define cookery.

This classic distinction between nature and culture must be well understood. Nature, being only pure virtuality, is fundamentally problematic. Take two simple examples. Man can speak and needs to communicate with his fellow man. From men's viewpoint, this capacity and need are a problem to be resolved. How in fact are we going to speak to each other? Nature forces us to shelter ourselves from bad weather. How can this problem be solved by concrete plans? Human nature poses problems whose solutions are human cultures invented by man. This expression says everything and summarizes what we have covered up to now. It is because man is free that his nature is pure virtuality. It is because he is calculating that he finds in his virtual nature the resources needed for transforming virtuality into actuality. Because he is free and calculating, man sets ends for himself that are the most general solutions to the most general problems facing him. But these general solutions, in turn, must be actualized in a specific historically determined matter — in a culture.

These indispensable premises are both simple and subtle. We remain at a loss so long as we have not made the required intellectual conversion. This conversion depends on the adequate distinction between man and men, between virtuality and actuality, between nature and culture, between the general and the particular and on the conviction that the two terms of these distinctions are not separated but joined by an intimate process. For this reason, a historical viewpoint must be rejected. It would maintain that initially human nature sets forth its problems, and subsequently men find their solutions. Ever since the appearance of *Homo sapiens* (about 100, 000 years ago), problems and solutions have been combined in human productions. And conversely, everything relating to human cultures can be understood as the solution to a problem. But every human problem has at least two solutions — a good and a bad one, because human freedom is paid for by the possibility of error, something forbidden to all other living species.

In fact, there are numerous solutions as can be seen by the variety in languages, habitations, clothing and cookery; and also by the variety of religions, myths and arts. Since solutions are multiple, variable and changing, culture is by nature constantly evolving. It has a history that can be explained by historians and sociologists. Therefore it is time that humanity's nature is to be historical, but we must beware of falling into historicism — a contemporary variation of nominalism — for which human nature consists of only the singular histories that express it. From this angle, the English and the Chinese are two distinct species, incapable of communicating and understanding one another. What is more, each of the species' representatives, being himself a product of a history, is alone a species irreducible to any genus whatsoever.

Social man

All good solutions to problems posed to men by their nature imply that there are at least two men to find and apply the solutions. Take biological reproduction. As in all living realms, this problem is posed to man. Let us confine ourselves strictly to numerical facts. For a new man to be born, two people are needed, a man and a woman, because the species is sexual. The new man is also premature in the sense that the time required for the offspring is very prolonged, twenty or so years. Thus it is not enough that a man and a woman meet once, they have to form a family unit. The simplest and statistically most favourable is the nuclear family composed of father, mother and their children. Given the biological constraints and the fragility of the newborn, the number of living children per couple is generally between two and three. The human family's ideal number is five, which suffices not only to perpetuate the species, but even guarantees it an inevitable demographic expansion over thousands of years. It was in this way that, over some tens of millennia, humanity came to occupy all parts of the planet except Antarctica, which required the technological leap of modernity for habitation. The biological problem is not yet completely resolved. If the solution of the nuclear family of four to five persons is to be self-perpetuating, each generation must contain as many girls as boys, because a deficit either way would lead, after several generations, to an exclusivity of either girls or boys. It happens that the minimum demographic 'pool' guaranteeing this balance is a total of 500 individuals. A family of five and a 'society' of 500 are the smallest numbers needed to resolve the problem of the perpetuation of the species.

We can add a supplementary numerical precision, by looking at the problem of feeding the species. Man is omnivorous, and he found the solution by gathering plants and hunting animals. Plants are stationary, animals, especially big game, are mobile. Women have their movements constrained by child-bearing and -rearing. So they have tended to take over the gathering. Men have specialized in hunting big game. But a single hunter could never succeed. There had to be around five adults. With their wives and children, these men formed survival groups of about twenty-five persons.

Five, twenty-five, five hundred are the three natural numbers for human 'society', taken in the course of its natural history. These figures are those of Palaeolithic humanity. But they suffice for actualizing all human, demographic, religious, political, economic, technical, linguistic and cognitive virtualities; in short, primitive humanities were complete humanities. All subsequent developments were differentiations, deepenings, 'complexifications', but they never introduced anything that did not already have an

expression, outline or presentiment in humanity's first ages. These developments suppose still more that men formed into groups so that they could occur.

Earlier we placed the word 'society' in quotation marks, because it is one of the most indistinct of words. Its use should even be prohibited in classrooms. Its falling out of favour has come about because it covers very different human realities. When one correctly states that man is a 'social animal', it would be wise to add that 'social' has three distinctly different forms, even if they can have points of contact and superposition.

We shall call the human capacity to form groups, 'sodality'. By groups we mean a circle composed of from two to *n* individuals and capable of acting as units, taking collective action in view of a specific goal of the group. A couple, family, company, club, church, laboratory, etc., are all groups according to this definition.

Let us use the term 'sociability' for the human capacity to form networks, within which individuals and groups can meet, form relationships and begin to exchange and share ideas, words, women, blows, goods, images, etc.; in short, all human productions that can be shared and exchanged by men in a society. A classroom, playground, neighbourhood market, village, social class, cafe, and so on are all networks of sociability.

Let us dare to define 'sociality' as something less well known, namely the human capacity to invent morphologies, social cements that make individuals, groups and networks stable and functional. We have just encountered a morphology without being aware of it: five, twenty-five and five hundred or, to give an arbitrary name to these dry figures, a nuclear family, a horde and an ethnic group, respectively. They are three levels of social integration that define the morphology of the band. Later we shall look at tribes, city-states, nations, but also feudalism, castes, empires and perhaps still others.

This presentation should help us to understand the futility of the recurring debates over 'the individual and society'. Man exists, but uniquely in men who can actualize their humanity in society. Society is a word for designating groups, networks, morphologies which men invent and produce so as to fulfil their human destinies. It is useless to get entangled in the dilemma of the precedence of the egg or the chicken by trying to determine whether it was society or the individual that came first. Each term was simultaneously first and second, from the moment the species appeared. Just like the wave and the particle in quantum physics, the individual and society are both first and second, depending on the viewpoint adopted and the problem posed.

Conflictive man

As a social animal, man inflicts on his representatives the unavoidable constraint of conflicts. There are three principal sources of these conflicts. The first one we have in common with all the animal kingdom and perhaps with the living world in general. In all probability there exists a biological mechanism that makes it possible to store up enough energy to respond to environmental demands, if need be, by aggressive acts against overbearing competitors or threats from predators. When the environment offers no opportunities for using this energy for its destined ends, it is not satisfied to go to sleep or disappear. It resurges and is transformed into aggressiveness and quarrelsomeness. This mechanism, very obvious in mammals and glaring among anthropoids, produces

quarrelsome man. The most constant if not the most insistent observation made by ethnographers looking at archaic societies — which we have classed under the morphology of bands — is the permanence of quarrels, almost always verbal and resolved by mediation or spontaneous extinction. The simplest explanation for this is the one we are offering. It is made even more plausible by the constant direct contact and the impossibility of projecting unrestricted aggressiveness on abstract or concrete outside forces.

A second source of conflicts is fuelled by the combination of freedom and the plurality of solutions to all human problems. A choice always has to be made because the problems are urgent, but there are different choices. Conflicts can result from this situation, if the society's members stand by their choices and are ready to impose them on others. These circumstances can easily come together with the first source, when a quarrelsome temperament seeks pretexts for aggression and resorts to intransigence. But a sincere and well-founded disagreement can occur over choices backed up by good reasons — by arguments the subject considers good — and mobilize the available aggressiveness, bringing about an open conflict. Between these two poles of disagreement, pretext and conviction, all intermediate degrees are possible. This source of conflict is specific to discordant man. It is not found in any other animal society, because man is the only free species condemned to invent his own humanity through cultures.

A third and final source of conflicts is also found in small quantities in certain animal societies. Individuals and groups spontaneously aspire to certain goods. Each one insists on a certain amount so that there is not enough to satisfy everyone. The goods are rare and their division produces conflicts. All that is desirable and rare can be grouped under three general headings. One is power, which can be temporarily defined as the capacity to impose one's will on another or to expect another's obedience. Power is naturally rare and unevenly distributed, because if everyone had an infinite quantity at his disposal or if everyone held an equal amount, all powers would nullify each other and power would vanish.

The second heading is prestige, which can be defined as the capacity of an individual or group to be admired by others. It is rare and is divided unequally for the same reasons. It, too, would disappear if everyone were infinitely or equally admirable, because then no one would be.

The third desirable rarity is wealth, understood as the set of goods and services satisfying needs and desires and likely to be appropriated by individuals and groups. Wealth is rare because it is limited by the relationship of resources to needs and desires. But desires know no intrinsic limits, because human freedom makes them indefinite and they are carried away by a competitive spiral. Each person wants as much as the other, who wants more than others. The equal sharing of wealth suffers from no internal contradiction, but inequality results from the inequality of desires, from variance between resources mobilized for getting a share of them and from chance.

It happens that man is pushed by irresistible passions, even if they vary in intensity with individual men, to have the greatest share possible of these rare goods. These passions are called ambition, greed, miserliness, vanity, pride, envy. They produce passionate man and set individuals and groups against one another. It is easy to see how this source of conflict can also mingle with the first two.

Passionate, discordant and quarrelsome man is conflictive. Conflict's status should be underlined. It is neither circumstantial nor contingent, in the sense that it might be conceivable that conflict could disappear from human societies. Conflict is a dimension of the human condition resulting directly from the fact that man is free, calculating, end-oriented and social. He is, by an unavoidable consequence, also conflictive. Conflict is neither a good nor an evil, it is a given or a constraint from which humanity has no means of escaping, no matter how much it might wish to do so.

This constraint is also a problem. Conflict's specific structure is the duel, opposing two individuals, two groups, or an individual to a group. Each duellist wants to win, and to do so, he needs more means and skill than his antagonist. In these means there is violence and ruse, and each duellist is incited by the other and the duel's logic to use ever stronger doses. Thus, there is an irresistible rise to extremes, expressed in a fight to the finish, to the death of one of the duellists or of both. The mounting rivalry is inevitable because there exists no inside safety valve in the duel conflict. The safety valve, existing in all other animal societies, is absent precisely because man is free and not genetically programmed. The problem is vital, in the strict sense of the word. It cannot be ignored because it arises every day in every aspect of social life with a terrifying urgency: 'How can men live together without killing each other?' The political order is the solution to this specifically and exclusively human problem.

Political man

First of all we must be clear that the solution is not the extinction of conflicts before they flare up. That would be impossible, since the quarrelsome and aggressive temperament is a biological given. The plurality of men's choices is also a given. A choice might be imposed, but who would impose what, and on whom? Conflicts inevitably result from the answer to this question. The rarity of power, prestige and wealth is a given as well, and the problems of sharing cannot be avoided. Sharing could be imposed, but who would impose what kind of sharing, and on whom? Conflicts would be just as inevitable. But even if a solution were possible, it would have to be renounced because it would entail changing man's nature completely by depriving him of his freedom and his mission of inventing his humanity in cultures.

Therefore, the only possible legitimate solution is to let conflicts run their course without letting them degenerate into death struggles. This result is impossible unless the conflicting parties give up violence. The aim must be non-violence, not non-conflict or, better still; the aim must be the renunciation of violence. This state of non-violence and renunciation of violence can be called, respectively, peace and spirit of peace. The solution is only a general outline, and must be specified. Under what conditions will social actors, individuals or groups renounce violence for gaining their ends?

It might be thought that the actors would abandon violence if, when they used it, they risked the retaliation of a greater violence surpassing their capacity to respond. But this condition is insufficient because, if the solution is unique, violence has still not been abandoned. That argument could only be a help.

There are two necessary and sufficient conditions that would plausibly lead actors to renounce violence: if the choices made were the best possible, or else, even if they were

bad, actors had the realistic hope of improving them. In other words, they would abandon violence if the choices were just, today or eventually. They would also give up violence if they thought that their share of rare goods was just or if they could correct an unjust division. In short, peace can be established by fairness and justice.

But the problem is still not completely solved. Human freedom implies the capacity for opposites, as Aristotle said. Individuals and groups have the freedom to refuse perfectly fair choices and divisions. They can do it out of stupidity, blindness or ignorance. But they can also do it out of sheer wantonness, by a perverted exercise of their freedom. Whatever the reason, the consequence is that violence has not been controlled. The only way out is to accept that peace through fairness and justice is based on recourse to violence against those who do not respect the just peace, by those who respect it.

This condition leads us to define a specific human group, for which we propose the word 'polity' to emphasize its particularity and exclusiveness. The other words in use — 'country', 'state', 'nation', 'political society' — are too ambiguous and weighted with history to be satisfactory. Polity is very precisely defined by the following characteristics: it is the group

• whose members, individuals and groups, have agreed to deal with conflicts among themselves without recourse to violence and by aiming for peace through justice and fairness;

• within which cheaters who disturb the peace are punished by violence from non-cheaters;

• beyond which conflicts that can arise with other polities are not excluded from violence and can always degenerate into war.

More concisely, the polity is a group tending towards pacification inside, while remaining in a virtual state of war outside. Risking a neologism, we shall use 'transpolity' to describe the system formed by at least two polities. By definition, the transpolity is the social space where war threatens and the polity the social space where peace is possible.

With this approach we can rediscover and justify the - different meanings of the word 'polities'. It is a sphere of activity or specific order, along with the economic, the 'religious, the demographic, etc., an order defined by a problem posed by human nature and the human condition, and the solutions to that problem. In more general terms, these solutions are called 'ends'. According to our analysis, the political order is rooted in the problem of human conflict and its end is peace through justice.

In a second, more inclusive sense, the political order is the framework for all human activities. It is the order that makes possible the development of all the others. This dignity is bestowed on it by the polity, because, without this social space where peace is possible, no end could ever be attained. In the modern terms of political philosophy, the political state — an expression preferable to the more traditional one of the too amorphous 'social state' — is opposed to the state of nature in which violence and ruse reign, and it is the first condition for actualizing human virtualities in cultures. The human condition is above all political and has been from the beginning, because obviously, the state of nature has ontological, not chronological value. The state of nature perpetually threatens the political state, as does corruption and perversion.

In a third sense, politics is all the strategies developed for attaining political ends. These are initial definitions, which will be developed later.

Thus the political order is that responsible for ensuring peace through justice within a polity and, if necessary, for engaging in war with other polities. Essentially, we shall not be dealing with foreign politics and the specific rationality of transpolitical systems, because they raise questions of another nature. We shall take them up only if domestic politics obliges us to do so. The political order confined to the polity is concerned entirely with the ends of peace, justice and fairness. We have proceeded as if these concepts were very dear. Since, on the contrary, they are very obscure, at least as far as justice is concerned, we shall tackle them with determination.

2
THE ENDS OF THE POLITICAL ORDER

The word 'end' must be understood in three principal ways. Ends are that towards which activities developed in the political order are directed, or ought to be directed. In short, they are objectives and, consequently, they come to an end once attained. The end also gives a meaning to these activities, serving as their ultimate justification. Finally, it proposes criteria allowing an objective selection between legitimate and illegitimate activities- In this context, all political activity and production of political activities conforming to ends, and contributing to them positively are legitimate. All activities and their productions not directed towards ends or compromising them are illegitimate.

On this basis, we can cover a new stage as we deduce the nature of the political order. We must define peace and justice precisely and, hence, also their opposites, violence and injustice. And especially, we must seek the means of attaining peace and justice, pinpoint the solutions to be avoided and if possible, define the decisive factor or factors that lead to either good or bad solutions.

Peace

Everything hinges on the definition of peace. It is not the absence of conflict but the absence of violence either in general or, which is more important for us, in the actual conflict. The polity's presence opens up two prospects. Towards the exterior and between polities, peace means absence of war. Towards the interior, peace rules out the use of violence to settle conflicts. Since conflicts can always degenerate into violence and, in fact, spontaneously move in this direction, the question is: Under what general conditions can conflicts be resolved without violence? As we know, conflicts have three sources. We must see how their repercussions can be peacefully channelled.

In quarrels resulting from temperamental clashes, non-violence can take different forms. In the most radical and admirable, the polity's members control their aggression and tame their animality. Peace then becomes the 'spirit of peace', to which can be attributed the beautiful words concord and friendship. Friendship and corcord exist between a polity's members — from now on, we shall call them 'citizens', anticipating future developments just a bit — when they have acquired a permanent capacity to settle their conflicts without violence. 'An acquired and permanent disposition towards the

good’ is called a ‘virtue’ in traditional philosophy. In fact, the ‘spirit of peace’ is the fundamental civic virtue. Without it, only the law of the jungle remains.

A toned-down form of friendship, a more directly social form, is politeness that citizens can mutually respect. The ultimate principle of politeness is each social actor’s commitment to follow a certain recognized code of behaviour in his relations with others. This code can be reduced to two fundamental precepts. The more essential one stipulates that each actor will renounce violence as long as his interlocutors do the same. More precisely, each actor exercises self-restraint and wagers that others, belonging to the same world, will do the same. The second precept, still more subtle and implicit, is based on the idea of equality. Courtesy establishes among those who benefit from it a circle of equality, because the benefit results from respecting the rule of reciprocity. In its most general expression, politeness is based on exchange and, as we shall see in more detail, every exchange has equality as rule of justice. Even between superiors and inferiors, the rules of politeness and etiquette define an ideal level where unequal strata meet in an ephemeral equality.

Here we see how politeness and friendship are both similar and different. Friends have no need to establish explicit codes, because their sensitivity and intelligence lead them to improvise them as needs arise. Politeness is, in the end, the most successful imitation possible of friendship between citizens that social distance prevents from becoming friends. Politeness is the social substitute for friendship. A third way out of the dilemma is the reutilization of quarrels. Quarrelsome energy is channelled towards socially acceptable and regulated forms that reduce the risk of violence. Sport is ritualization’s most obvious form at least that based on rivalry between ‘them’ and ‘us’. Generally, ritualization consists of defining ‘them’ and ‘us’, of codifying the expressions of the two groups’ rivalry and foreseeing the code’s enforcement. A private form of ritualization takes place in quarrels occurring in the family, among neighbours, on the street, in the neighbourhood, at the market, etc. This ritualization is usually expressed in accepted verbal forms, in permissible insults as opposed to those that go beyond the limits. Direct contact and versatility of situations make social control difficult to implement. The transition from words to blows is rapid, as we all know. Friendship, politeness and ritualization are permanent precautions required of political actors if they want to fulfil the political order’s end. We shall leave to each reader’s reflection three corollary questions raised by this conclusion. What concrete definitions do these precautions receive in a given cultural area and social circle, and why? How is this behaviour produced? What is the role of the political order in this production?

The non-violent approach to problems of sharing can be obtained on three conditions. The most satisfying is to make sharing objectively fair. We do not yet know what ‘objectively fair’ is, but, intuitively, there seems to be no reason why a fair sharing, recognized as such by the parties involved, should give rise to violence. A division can also be objectively unfair and more or less seriously wrong for one or more parties. Such a situation is a good pretext for violence, unless the injustice can be corrected by a procedure to be determined, making it both unnecessary and unprofitable to use violence. But it can always happen that fair shares are refused and unfair ones redressed by recourse to violence. Hence the third condition for the non-violent settlement of conflicts surrounding sharing. All vague impulses to acts of violence must be dissuaded by the threat of even greater violence. And the threat must be made by credible actors. But if

violence exercised against the violent were unjust, then non-violence would no longer have any foundation, and peace would be hopelessly jeopardized. In a word, peace is based on the justice of sharing, but violence threatens or erupts if injustice is recognized and cannot be rectified; if actors are unjust in rejecting even fair shares; if the unjust go unpunished, and if punishment is unjust.

There remain the conflicts stemming from divergent choices. One can assume *a priori* that actors will not resort to violence if the disagreements over their choices benefit from two favourable circumstances. In one case, the disagreements are accepted by each actor, because the choices are left to each person's discretion and each person accepts everybody else's choice. There is no reason to fight over tastes and colours, if each party can indulge his own fantasy and accept the fantasies of others. Alternatively, disagreements can be resolved through discussion. This would have two distinct ramifications. First, the choices are not equivalent but can be judged according to an objective criterion, and a discussion can lead everybody to see the fairness of the choice (for example, between several solutions proposed for resolving a problem, opposing arguments can lead to the emergence of a fair solution and the rallying round of everybody to this fairness). Second, the disagreement focuses on choices of such a nature that the refusal to accept them would lead to an unbearable situation of non-peace (for example, one can be opposed with good reasons to a polity's military defence strategy, and yet agree to support it because not doing so would lead to a still worse situation).

In short, peace depends on the justice of choices, whether they be discretionary or in everybody's interest, or on their fairness: the choice has to be good. By implication, peace is jeopardized and violence threatens if choices are imposed, when they ought to be free, or if actors are not convinced of their fairness or if choices are bad and cannot be rectified.

Nevertheless, since they are free, actors can always refuse the non-violent expression of quarrels as well as the justice and equity of shares and choices, and can turn to violence. Therefore, to be achieved and perpetuated, peace needs to dissuade violence by the threat of a greater violence from credible sources. Even so, prevention and punishment must also be just; otherwise new potentially violent occasions will arise.

How far have we come? We have denned political ends not as peace and justice, but as peace through justice. The two concepts lie on different planes. Peace is the ultimate end of the political order in the sense that, in the political order, it is impossible to find another end for which it would be the necessary means. Justice, on the contrary, occupies an intermediate position in regard to peace: it is the means or mediating end of peace. Hence justice is the central and strategic concept of the political order.

It is also exceptionally complex. This complexity can be reduced perhaps by again referring to the three sources of conflict. The quarrelsome temperament poses problems whose solutions relate to mores and not to justice. Freedom is ultimately responsible for the plurality of choices, just as rarity is for sharing. With these two distinct responsibilities, we can deduce the types of the just. As a first approximation, we can call the just as fairness 'law', in that it leads, thanks to good choices, to the peaceful resolution of conflicts born of conflicting choices. The genus of law can be usefully subdivided into two distinct types: constitutional justice defines the political rules of the game, and legal justice the more circumstantial choices. The just as justice will be called

‘right’, in that it proposes ‘to give each person his due’ — *suum unicuique tribuere,* according to the classic expression of Roman right. Following Aristotle, we can define four kinds of right:

- distributive justice is responsible for the just division of rare goods;
- contractual justice deals with just exchanges;
- punitive justice inflicts just punishment for infringement of any of the preceding justices;
- corrective justice is meant to settle equitably any litigation arising from the preceding categories.

Law

The problem is to find a method of choosing that will avoid violence and produce fair choices. The problem can seem insoluble or the solution very complicated. In fact, a simple solution emerges if possible choices are arranged into several distinct categories. Choices can be arbitrary, undecidable, optional or indispensable from the viewpoint of the political end, which is peace through justice and equity.

The choices are arbitrary when it is impossible to demonstrate their fairness in regard to the order to which they apply. Examples abound in food, clothing, shelter, decoration, but also in all the singular details marking human production. Should we eat rice or wheat? Should wheat be eaten as porridge, pancakes or bread? Should the bread be round or oblong? Is it better to live in a wooden or a stone house? One with two floors or only one? Is it appropriate to walk around a sanctuary, to stand in front of its entry, or to stay inside it? If we organize a circular procession, is it proper to turn having the sanctuary on our left or should it be on our right? Examples of this type could be multiplied infinitely.

They suffice to specify the status of the arbitrariness concerned. As far as human nourishment is concerned, it does not matter what we eat so long as the requirements of a certain number of calories and nutritive balance are respected. On the other hand, the choice of whether to eat rice in China or bread in Europe is not arbitrary to the same degree. Similarly, keeping a sanctuary on our right as we walk round it is a Brahmanical imperative, whereas the direction matters little to the religion itself. All these choices are arbitrary from the species’ viewpoint, but this arbitrariness is more or less reduced as we go deeper into the cultural factors of choice.

Then what is the just and non-violent solution for these choices? It suffices to leave each individual, group or culture free to choose as he or it likes and to forbid anyone from imposing his own choice on others, because he could do it only by using violence or ruse, since the choice is arbitrary. The answer can be somewhat complicated, taking into account the variable degrees of arbitrariness. In general, it would be unjust to force all men to wear ties, but a club can require its members to do so, so long as nobody is forced to belong to the club. Certain choices are simply undecidable, because although it is certain or probable that the equitable solution exists, nobody knows what it is nor can it ever be known with certainty. It is plausible that the absolute or infinite exists, because it is hard to see how a finite being like man could otherwise have the feeling that it does. But it is far from being certain and it is possible to adopt a different position. Much more

questionable is whether this absolute should be conceived of as personal or impersonal, transcendent or immanent, unchanging or changing. We are in the insurmountable undecidable when the choice concerns practising a religion or dispensing with it, or choosing among Christianity, Buddhism, Judaism, Islam, and so forth. Some people may argue that these are arbitrary choices and belong to the preceding category, whereas others would claim that one religion alone has the truth, and still others would point to the more or less successful conformity of religions to different cultural regions.

But the religious order is not the only one concerned here. In the economic order, it is impossible for anybody to decide with complete certainty which investments are preferable and in which sectors, whether it is better to speculate on the stock exchange when prices are rising or falling, whether specific skills acquired today will be negotiable on the job market tomorrow. It would be presumptuous to say that questions such as what life-style to choose and how to find happiness are precisely decidable, and imprudent to suggest that they are arbitrary, especially from the individual's viewpoint: not everybody can pursue the same career. The problem is to know what one can do best. The equitable solution is the same as in the preceding case: letting each individual, group or culture make his or its choice and preventing anyone from imposing his choice on others. And individuals must be free not to enter groups, or even cultures, if they have no wish to accept the choices imposed by these groups or cultures on their members.

Other choices are decidable but optional. These are choices to which it is possible to apply univocally the criteria of true and false, useful and harmful, good and bad, effective and ineffective, without having the alternative affect in itself peace among citizens. It is true that two plus two equal four, but even if some citizens convince themselves that the total is five, the general concord is not disturbed. It is just as certain that rules exist for good bodily, intellectual and mental hygiene, but people who ignore them do not by this fact threaten civil peace. The sound management of an economic enterprise does not allow doing anything one likes. Those who ignore the rules risk bankruptcy, but do not lead others to civil war.

However, we sense that in this last case the equitable solution is more delicate to express, because if at all a polity's citizens systematically made bad choices according to objective criteria, all their economic undertakings would fail, which would make their chances of achieving peace and justice problematical, to say the least. But, on the other hand, justice would not be promoted if certain people had the right to impose their conception of truth, usefulness and goodness, etc., on others by violence. First, because that would destroy human freedom and disturb the peace and, second, because if these choices are absolutely decidable for the species, the assertion is very questionable in so far as its representatives are concerned. Who would dare to argue in all justice and fairness that he possessed the truth, that he knew what was useful, and so forth. If justice is to be respected, actors must be given the freedom to make mistakes regarding decidable choices. Since everyone can be mistaken, this possibility must be included in the rule of justice.

Each person must have freedom of choice, but at his own risk. And yet, at the same time, each person must have the right to try to convert others to good choices by persuasion, exhortation and example. The injustice, as always, is the desire to impose one's own choices, even if they happen to be just, on others.

Finally, there are the decidable and indispensable choices concerning the rules of the game to be respected by the social actors — between individuals, between groups or members of the same group and in particular between a polity's citizens. The rules are indispensable because otherwise the constant conflicts would be uncontrollable and inevitably lead to the extremes of the death struggle. These rules are also decidable, since they must respond to criteria of non-violence and justice. The most fundamental and general rules have already been expressed: No one can legitimately impose on another an arbitrary, undecidable or optional choice by violence, because that would be an injustice towards him.

• The rules of the game must be chosen and / or accepted by those who are bound to respect them, because as free, end-oriented and calculating beings, they can knowingly choose what is decidable and indispensable and, in so doing, they preserve their freedom, use their reason and pursue good ends; the rules chosen must be just, that is, they must contribute to peace and justice.

• A punishment must be foreseen for those who do not respect the rules, because if cheating can be done with impunity, the vicious will be favoured over the virtuous and the rules will eventually vanish.

By an opposing implication concerning rules of the game, it can be said that injustice consists of imposing them in domains to which they are unrelated. It is unjust to make them an obligation without the consent of those involved. This situation can have two degrees of injustice, depending on whether the rules imposed are good and just or bad and unjust, and whether the cheaters are pursued and punished.

We have used the neutral expression 'rules of the game' so as to clarify and justify an essential double distinction. The first is that between the 'written' and 'unwritten' law. These expressions have been used since Hellenistic times, at least in the Western tradition. In fact, we must make a more factual distinction between the invariable and universal rules of the game — those used for political ends in general — and the laws and customs that transcribe these universal rules in and for the use of a historically determined people. Whereas the rules of the game can be known by a rational scientific approach, the law or custom resembles rather the work of an artisan who strives to impose form on a recalcitrant material.

The second distinction is more difficult to bring out, because it covers several fields. The clearest way to proceed is to start with sodality with groups. All human groups must foresee rules of the game, implicit or explicit, to avoid the degeneration into violence of inevitable conflicts. Of all possible groups, we have given a central place to the polity. It is responsible for interior pacification and risks war with the exterior. The polity's central position in the human social system justifies the distinction between political rules of the game, those applying to the polity as such, and non-political rules that apply to all other groups or among individuals. Because of the polity's strategic role in pacification, we can say that non-political rules are subordinate to political ones, in the sense that they cannot legitimately contradict them.

This first division of the rules into two distinct categories does not interfere with a second vaguer one. In every group it is possible to find basic rules of the game, those permitting the group to exist and strive towards its end, and those circumstantial rules applying to changing details and occurrences. In a bridge club, for example, a basic rule

would be that members agree to respect the official rules for the game of bridge. A circumstantial rule would specify the days and hours when the club would be open.

The combination of these two distinctions establishes a reasonable distinction between constitutional and legal justice, by making the former the teacher of the fundamental rules of the game in the polity, and the latter the manager of circumstantial rules. In other words, constitutional justice is responsible for defining the polity's institutions. These institutions transcribe the most general and intangible rules in the form of constitutional laws or customs so as to achieve peace and justice. We can call the group of institutions governing a polity a 'political regime'. According to our previous deductions, the political regime must transcribe as faithfully as possible the 'unwritten' law of the political order, while adapting itself as flexibly as possible to *a* historically determined polity.

Legal justice, on the other hand, produces, for the polity's use and in conformity with constitutional justice, all the laws and customs needed for the polity's daily operation. Consequently, the law must be useful, that is, it must contribute to peace and justice in a positive and verifiable way. It must also be legal, that is, defined and sanctioned according to procedures foreseen by the constitution. Finally, it must be legitimate, that is, faithful to the unwritten law of the political order, because the distinction between legitimacy and legality has henceforth a univocal foundation: everything faithful to the 'unwritten laws' of the political order is said to be legitimate; everything conforming to its 'written laws' is said to be legal.

Right

We shall use the word 'right' in its Roman meaning of *jus*, the fact of 'giving everyone his just due', and not in the modem English sense of 'legislation', which can appear to be a subtle form of corruption, because if the law — legal justice in our terminology — is responsible for giving each citizen his due, and law is expressed by political majorities, what each citizen receives would be a matter for changing majorities.

A first division of right is known as contractual justice. It deals more with exchanges than contracts. Every exchange is composed of four elements: two exchangers, who can be individuals or groups, and two exchanged, because it would make no sense to exchange identities.

An exchange's justice depends on the strict equality of the exchanged in the exchangers' eyes, and not those of an outside observer. An exchange is fair when each of the two exchangers deems that he has received the equivalent of what he has given up. This is the only rational solution. It would be absurd of them to give more to receive less, because the gesture's logical limit would be to give everything and receive nothing. The free gift is not absurd but it is not an exchange, since there is no reciprocity. Incidentally, the free gift cannot be a current social practice, since generosity's resources would soon be exhausted. The profound moving force of social relations is the exchange, an equal exchange, immediately or eventually, from one to another or through more or less extended circuits. As for the possibility of giving less to receive more, it leads to the equal exchange, because everyone makes the same advantageous calculation and finds himself led back to an equal exchange.

But how is equality determined? Three negotiations must be going on at the same time. Each exchanger must negotiate with himself and then the two exchangers must negotiate with each other. Each negotiation focuses on appraising the equality of what is being exchanged. The three negotiations cease when together the exchangers conclude that the exchange is equal, unless they have been broken off by the impossibility of reaching that conclusion. Obviously, this process depends on the exchangers' freedom in its three definitions *of* choice, autonomy and rectitude. Between master and slave, the insane and the calculator, the extravagant and the judicious, there can be no fair exchange, unless it happens by chance. There is simply no exchange at all. But there can be fair exchanges between unequal but free contracting parties: between a tenant farmer and a landowner, or between a worker and a company director. The fair exchange depends on the equality of the exchanges and the exchangers' freedom. Conversely, injustice is born from the inequality arising when one of the parties is not free, when he is wronged by having to give up more to receive less.

Distributive justice is charged with distributing fair shares of the rare goods of power, wealth and prestige. It is concerned with divisions mobilizing only two elements: the rare good and the interested parties. Once again the criterion of justice must be defined before inventing the procedure for guaranteeing its respect. Each rare good offers an unequivocal criterion.

Power, which will be examined more exhaustively in Chapter 3, can be defined as the capacity to impose one's will on others. The true motivating force of power is obedience, which in turn has three motivating forces. We can obey because we are afraid of the potential violence of the one wanting to impose his will. But this reasoning is unacceptable as a criterion of justice since it directly contradicts the political order's first principle — peace as non-violence. We can also obey through admiration for someone who is considered to have superior merit, and this brings us to prestige. Finally, we can obey through calculation, estimating that by obeying someone competent, we stand a better chance of succeeding in a collective undertaking. The criterion of justice for the distribution of power is competence, as defined by the common objective pursued and as judged by the obeyers.

Prestige mobilizes three elements. It implies an end whose pursuit has unequal success among the pursuers. Thus a scale of merit can be established. On the upper rungs of the ladder we find the second element, the most excellent, the elite, who are placed there by the third element, the admirers whose lesser talent has confined them to the lower rungs. Hence, the criterion of justice is merit, as appraised by those who admire the prestigious.

The sharing of wealth must start from the fact that the resources destined to satisfy needs and desires are not only rare but produced and not given away, because if this were not the case, they would be free and not wealth. They would be like free air, which is well named. To produce resources is to bring together 'factors', that with which goods and services are 'made', such as labour, capital, techniques, tools, initiatives. But these factors are not free either. They are also rare and produced with other factors. And so it goes. In short, wealth is produced with wealth. In this collaboration of factors in the production of wealth, each person's share is determined by his contribution to the production. And this gives us the criterion of justice for the sharing of wealth: it must be in proportion to the contribution made to its production. If we accept this analysis, we are

naturally led to procedures that can spontaneously produce fair sharing. An open competition must be established between interested parties and the division entrusted to whomever it may concern. If power is to be distributed fairly, each person must be free to present his candidature for any vacant post, by pleading his presumed competence, and future obeyers must be free to reject or retain his candidature. For the just distribution of prestige, each person must be free to reveal his merit for pursuing ends and free also to reserve his admiration for the one he considers worthy of it. The equitable distribution of wealth is achieved when each person is free to make a higher bid for a portion of the wealth produced and the distribution goes to the highest bidder, because each person can bid only in proportion to his previous contribution to production.

Obviously, the criteria of justice are respected only if actors are free and the competition open. Injustice is inevitable once competition is disturbed by violence and freedom oppressed. It should be pointed out that the fair distribution of power and prestige is never equal, and it is only by chance that it ever is where wealth is distributed.

Punitive justice is to be exercised whenever an individual or a group has broken a law. This subdivision of the right also contains three elements: a law, a guilty party and a victim. The victim can be an individual or a group, or the polity itself. The guilt of the culprit is twofold. The victim has been wronged, more or less seriously, but so has the body politic, because by transgressing a rule of the game, the offender has placed himself in the state of nature in regard to the polity and its citizens. He has used violence or ruse to a greater or lesser degree. As for the law, it presumably conforms to legal and constitutional justice, that is, it should be both legal and legitimate. But since the law's legitimacy can be judged only in relation to the unwritten law and a citizen can break only a stated or 'positive' law, written or customary, it can happen that he is punished for having broken an illegitimate but legal law. This paradox means quite simply mat the citizen must always respect legal laws even if they are illegitimate in his eyes, but has the right to seek to modify them.

The criterion of justice here is threefold. If a punishment is to be just, there must be a law. This law's transgression by the accused must be acknowledged and the punishment must be accepted as proportionate to the transgression's gravity. The only procedure that can give hope that the criterion of punitive justice will be respected — other than a legal and constitutional justice in itself — is the law's establishment of a social space where the accused, the victim and the law's spokesmen, or their respective representatives, can freely argue the case before an arbitrator, single or collective, who can be informed and make a decision. A court brings together a judge, an accused, a victim and an accuser. Since the judge can make a mistake, it is prudent to foresee a way of appealing against his decision. Injustice triumphs if the law is illegal or illegitimate, if one of the parties is prevented from pleading his cause, if the arbitrator takes sides or if, even worse, the very court does not exist.

There remains corrective justice, which is concerned with all litigation arising from questions of law or right. Consequently, its sentences involve all justices, including its own. It is the justice of justices, which is why it does not have a criterion of justice of its own. Its criteria are those of a specific justice that it is each time charged with restoring to its just condition. There are three elements concerned: the object of the litigation, the parties and the arbitrator/judge who has to decide. The procedure closely resembles that

of punitive justice. There is a court where the parties concerned can plead their cases before an arbitrator, but the concrete forms the proceedings can take are infinitely varied.

It will be useful for what we have to say later to look at corrective justice as applied to legal and constitutional justice. In a polity adapted to the political end, one must foresee proceedings for appraising the legality of laws, that is, their conformity to the 'written law', to constitutional clauses, hi short, the constitutionality of laws must be controlled. As for the constitutional clauses themselves, all questioning of their legitimacy, that is their conformity to the unwritten law, can come only from citizens themselves and their legislative delegates. Citizens must have the means to undertake constitutional revision, but even so the means should not be too accessible, otherwise the fundamental rules of the game would need to be perpetually revised. However that may be, the correction of constitutional justice must also take place before an arbitrator, who can be the body of citizens called to participate in a referendum, placed in a position to listen to the opposing arguments of all parties. Injustice triumphs when, regardless of the justice concerned, one party is prevented from pleading its case or there is collusion between one party and the arbitrator. If, for example, one party seeks to attract citizens by demagogic promises, to obtain a constitutional revision in its favour.

In this explanation of justice and justices, we have followed if not the letter at least the spirit of Aristotle's analysis. We must follow it still on one point, the definition of equity as a superior justice that rectifies the just results of a just proceeding in a still more just direction. It can happen that it is equitable to introduce a certain inequality into an exchange, to reduce the inequality in sharing, to punish by taking circumstances into account, because it is the means of adapting a general rule to a particular case, of reinforcing social cohesion and of correcting a certain disproportion in negotiating capacities. But, since by definition equity modifies justice, it must be handled with extreme prudence, because there is a risk of falling into injustice while aiming for a higher degree of justice.

This stage of our itinerary has, we hope, permitted us to propose univocal definitions, freed from opinions, passions and ideologies, of the objective ends of politics, peace and justice. Henceforth the subsequent stages begin to take shape. These ends must become objectives assigned to the political action of men assembled in a polity. Once the objects are fixed we can find ways and means of attaining them and avoiding bad procedures or the corruption of procedures. Between good and bad procedures, between those that sustain the hope of attaining justice and those that stifle it, the decisive factor seems to be violence. By one expedient or another and in the last instance, violence always leads to injustice, in the same way that justice leads to peace defined as non-violence. According to the *American Heritage Dictionary of the English Language*, violence is 'the abusive or unjust exercise of power; an outrage'. In other words, violence is by nature linked with power. Therefore, by analysing the concept of power we can hope to detect the mechanisms and procedures suited to the realization of peace through justice. Since we have called these procedures and systems 'political regimes', we must now define them, starting with the concept of power.

3
POLITICAL REGIMES

Broadly defined, a political regime is a set of devices and procedures for establishing peace through justice in a polity. Its meaning is more inclusive than the one proposed by constitutional law and 'politology', which are inclined to reduce the political regime to what we have called constitutional justice. These differences result from distinct viewpoints. Our viewpoint maintains that there are at least two political regimes: the one or ones promoting peace and justice and the one or ones forbidding them. A third regime can, *a priori*, be added; namely, all those regimes placed on the continuum between the two poles and combining the elements of both in infinitely varied proportions. The concept of power could be the switch for the two regimes, allowing us to establish a more precise and complete typology.

The concept of power

Let us start from the following definition: Tower is the capacity for Actor A to obtain from Actor B, or to prevent him from accomplishing or not accomplishing, Activity X'.

Each term of the definition must be carefully explained. First 'Activity X'. The expression designates all possible production of the human species that can be ascribed to an individual or collective actor. An actor, as we know, is a free animal, who mobilizes his calculating faculties to attain political, economic, religious and technical ends. The more or less enlightened and effective efforts that he develops for serving these ends are concretely expressed by activities resulting in specific productions. These productions can be conveniently and realistically divided into three distinct groups.

Some of them are concerned with knowing, an activity by which man seeks to give reality access to self-consciousness in the transparency of his own consciousness. In more technical terms, to know is to utilize the faculties of intelligence to construct mental equipment capable of discovering and grasping the intelligibility that reality conceals. Since the intelligence plays the active role in this undertaking, it can detach itself from all real reference and live on its own products, in a kind of mental autarky. Consequently, knowing is not made up of merely true propositions — and hence not merely of false ones, since man is free and can be mistaken — but also of imaginary propositions.

Other productions relate to making, the activity allowing man either to materialize a form or to give form to matter. There remains acting, the activity in which the will mobilizes psychic energy and faculties to attain objectives in spite of the obstacles reality presents. The three activities are distinct but not detached from each other, because each one needs the other two to fulfil itself.

Since we are dealing with the political order, we can illustrate these definitions by specifically political productions. Political knowing is not what our intelligence can develop about the political order, but what is spontaneously produced by political actors as political. On the one hand, it is the ideology attached to political ends and, on the other, it is the 'cameralism' that attaches itself to political means, to the effective techniques for conquering, maintaining and exercising political power.

'Political making' is expressed in organizations and institutions through which a political regime gives itself form and substance — in parties, codes, estates, rites, laws, courts, armies, bureaucracies, currencies, law enforcement etc. 'Political acting' is made up of the actions led by individuals and groups to seize power, to hold on to and exercise

it, no longer simply by knowing about it, but concretely. Hence, for us, acting, making and knowing are the ultimate constituents of historical matter, just as quarks make up inert matter and proteins living matter.

The definitions other terms require less explanation. Actor A is either an individual or a group, we must insist on it. We might speak of a 'unit of activity', individual or collective, if the expression were not so heavy. To be an actor, an individual or a group must express a will, that is, aim for an end and mobilize means, of which Actor B is a part. Actor A, who has to bend Actor B's will to his own, must have a rather solid argument to induce Actor B to obey. Actor B is also an individual or a group, also endowed with a will and is thus a free actor, capable of choosing between obedience and disobedience. Otherwise he would simply be a tool in Actor A's hands. We can ask how a group can have a will. The answer is that a group's will is realized in the will of the individuals composing it, but only so long as their will is guided by the group's objectives and not their personal ones exterior to the group. Actor B decides between obedience and disobedience, by weighing Actor A's arguments. 'Obtain/prevent' and 'accomplish/not accomplish' establish the two forms of the exercise of power: the order by which Activity X is born, which would not be born without it, and the prohibition, as a result of which Activity X is not born, that otherwise would have been.

This explanation shows us the constituent elements of all power relationships. Power is a relationship produced by and resting on the tension resulting from contact between two free wills. Of all the elements present, four appear to be the most decisive and discriminating and are, in any case, indispensable for power's emergence.

A first element is not A's will as such — because in itself, there is no reason why it should be stronger and more convincing than B's — but rather the argument that A's will can make for imposing itself, its means of getting the upper hand over B's hesitations.

The decisive element is the second one, B's obedience. If B refuses to obey, there is no power relationship. This is why power, by its very nature, is never rooted in the one exercising it, but always in the one who obeys. The obeyer does not consent because of an intrinsic deficiency of his will, a weakness that A could take advantage of — or at least this hypothesis would be generally unacceptable. On the contrary, B must have good reasons for obeying, that is, for bending his will to A's. In other words, A's argument must find an echo in B. Not a mechanical echo, but a deliberate resonance in a free being. To return to our terminology, A's argument must enter into B's calculation and that calculation must impel B to obedience.

The third element is less apparent, but everything preceding it leads to its being found and retained. This element is B's possible disobedience. Since B is a free being, it is possible in the absolute sense of the term. But it must also be possible in a particular sense. The possibility of disobedience must be able to rise up within the very heart of the power relationship. In other words, from the first moment of the relationship's formation to the last when it is broken, disobedience must be able to replace obedience. Without this condition, B would simply be a mechanism or the extension of A's will. Thus B's ontological freedom is not abolished when he enters into the power relationship. It is at most suspended, which means that B can recuperate it at any time.

This possibility leads to a fourth and final element. If B disobeys, A must respond by punishing him. Because if B can go from obedience to disobedience with impunity,

power will lose all its substance and dissolve into the respective independence of the two wills. And what will be the nature of this punishment? It must be assumed that it will conform intimately to the means employed by A's will to impose itself. In fact, it is this argument that, entering into B's calculation, will have led him to obey in the first place. It is therefore the same argument that must provide the substance of the punishment inflicted for disobedience.

Now to summarize. Every power relationship includes, by nature, four elements: the argumentative will of an actor who gives orders or interdictions, the obedience of another actor whose will gives in to the first actor's argument, the potential disobedience of the second actor, who remains free in spite of his obedience, and the argumentative punishment of the former. Our way of expressing these truths may seem rather tortuous. It is not awkwardness of style, but the necessity of finding a vocabulary general enough to include all possibilities. Actually, it is quite remarkable to find power's four elements in three radically different forms.

A first form we shall call might. In this form, A's will is armed with violence, or more precisely the threat of violence, if it should meet with B's indifference or opposition. As for B, on whom the power relationship is imposed from the outside by A, he is deprived currently and temporarily of his freedom, since choice, autonomy and a well-thought-out conversion to right obedience have been denied him. B takes the threat seriously, because he knows that violence in A's hands exceeds his own capacity to respond, and he begins to calculate that it is preferable to choose obedience rather than death. Because that is the only remaining choice: to live in obedience or to die free. In crude terms, B is afraid. His fear is complementary to the threat of violence and the element that enters his calculations. But B can cease being afraid at any time; he can retrieve his innate freedom in revolt. The result is a death struggle — we are now in the irresistible logic of the duel — where B succumbs, if A's violence is superior to his, and the power relationship is abolished if B is the stronger. In a word, might combines violence, fear, revolt and death.

At the same ultimate level of conceptualization, we can isolate a second form of power which can be called 'authority'. In this relationship, A is invested with what can only be called 'charisma', a state of grace or something or other emanating from his capacity to approach a transcendent principle more closely than others. This principle can be an end or figures such as ancestors, God, gods, the nation, the people and so on. It can also be physical, psychic, mental, intellectual or spiritual qualities raised to a certain level of excellence. We could generalize that charisma is rooted in a superiority held by its beneficiary. B obeys because he is fascinated, attracted, conquered; because he admires and respects. In short, he is overcome by a whole range of feelings that can arise in the presence of a real and/ or recognized superiority. The drama in which authority plays has three characters: a transcendent principle, Actor A, who has privileged relations with it, and Actor B, who accepts the transcendent principle and acknowledges A's superiority. The characters can range from the very august — God, the pontiff, the faithful — to the very trivial — rock music, a specific group of performers, fans. B's conversion to obedience depends on his combined perception of the principle's transcendence and the charisma. But it is conceivable that, psychologically, he lets himself be persuaded more by one than by the other. Therefore, his disobedience can take three forms. He can disagree with the transcendent principle, with A or with both. The three forms have only two possible outcomes. Either B is excommunicated from the community of those who

persist in the relationship with authority, or else, if disaffection becomes general, the community itself is dissolved. To summarize once more: authority combines charisma, admiration, disagreement and excommunication.

A third and final form is leadership. In this case, everything starts with B, who obeys from a calculation based on his interest. B aims for a specific objective and has convinced himself through a reasoned analysis, not only that he cannot obtain this objective alone, but that if he is ever to reach it, he must join a group and organize it in such a way that some command while others obey. The motivation for his obedience is interest. We must understand this word — marked but convenient — to mean any objective that the social actor can assign himself; that is, all ultimate ends, all immediate ends and all those in between. By complementary implication, A's argument for making someone obey him must be based on his competence, the capacity, recognized or assumed by B, that will contribute to B's realization of his interests. In other words, interest and competence are both defined by the end pursued by the group formed by the leaders and the led, who might be reduced to a couple. Here B's disobedience takes a more subtle form. It consists in making a calculation based on selfish interest. It convinces him that his hopes for gain are increased by cheating as long as not everybody cheats. B joins the association, but does not obey the orders. If not everybody cheats, he has a chance of benefiting from the collective success, without sharing the costs of obedience. Punishment is either the cheater's exclusion, or the association's collapse and dissolution. Thus leadership brings together competence, interest, cheating and exclusion.

The nature of the political regime

Power as such is never found: only might, authority and direction or a mixture of the two, or all three. Thus it would not simplify matters to cease speaking of power and use only the terms designating its forms. Each form calls on the other two, more or less: a competent person inspires respect and arouses if not fear at least a kind of restraint; charisma inspires reverential fear and usually includes some competence; the most violent brute can evoke the feeling that he is a superior being worthy of consideration and convince others that he has some capacities favouring collective success, at least in certain circumstances.

These infinitely nuanced and modulated mixtures which make up power are found in all forms of sodality and sociability. Every human relationship, from the most casual between two individuals, to the closest between wholes as vast as civilizations, for example, is marked by power. Power's ubiquity is a result of two factors that are always at work. Certain human passions such as ambition, vanity and pride have power as their object. Not only are they present, in highly variable intensities, in each of the species' representatives, but they can also express themselves either individually or collectively. On the other hand, most human undertakings require the formation of groups, and in these groups, even the smallest, that of the couple, relationships of functional power are established, because individual energies must be mobilized to serve the group's ends. Remember this complementarity's passions that are by nature selfish can find satisfaction in the pursuit of collective ends.

Power is exercised everywhere. It would be profitable to analyse it within groups from different orders and then to look at these groups from the perspective of power. The

undertaking, incidentally, would not be entirely new, having been begun some time ago by sociologists with economic groups such as companies and, perhaps in less depth, with religious groups formed by monasteries, sects and churches. The systematic examination of the family — in particular the nuclear family reduced to parents and children — and power relationships between husband and wife, parents and children and among siblings, individually or collectively, would most likely lead to more verifiable results than those offered by psychologists of the subconscious. But in every case the perspective of the three forms of power would be needed for a better grasp of the realities. One or the other of the forms would tend to prevail over the others; only very seldom does one form prevail without the other two being present. But this never happens in the polity, the group we are examining in this book. Power exercised within the polity's framework as such occupies a particular position among all possible power relationships. In the first place, this is a result of the political group's central role in human affairs. It is a social space striving towards pacification. In this regard, the existence of a polity relatively faithful to this end is the first condition for the pursuit of all other ends. Men can do nothing if they live in a state of savagery towards each other. The polity's centrality is imparted to the political and, by innumerable repercussions, to political power: its mode of exercise necessarily affects the exercise of power throughout the social fabric.

A second reason for the status of power in the polity is that according to logic all three forms have to be present. Leadership is indispensable for leading citizens to peace through justice/ because citizens, as human beings, aspire to it and competence is required for its realization. In a word, because citizens are free, end-oriented and calculating, they are all disposed to obey in order to obtain peace and justice. But might is also required and cannot be abandoned if pacification is to be successful, because men are naturally capable of violence and, also, because citizens must always have recourse to it for dealing with external enemies and internal cheaters. A planetary polity uniting all humanity — a hypothesis that neither harms the concept of polity nor contradicts the millenary movement of political history — would abolish war, but would retain violence for preventing civil war and controlling lawbreakers. As for authority, it is mobilized to benefit the rules of the game; it serves customs and laws, because a polity's success depends on their being respected by its members.

A third reason for power's prominent role is that in a polity, even less than elsewhere, the three forms of power cannot be maximized simultaneously. This proposition can be verified most directly by starting with motives for obedience: a person cannot choose to obey at the same time and to the same degree out of intense fear, enthusiastic adhesion and self-interest. One motivation always dominates, subordinating the other two. This constraint provides us with the definition we have been seeking: a political regime is a specific combination of forms of power exercised within the framework of a polity.

Even before going into the typology of political regimes, we can see that this combination of forms cannot be just anything, in the sense that any one of them could be chosen indifferently. There is precisely a natural combination, corresponding to the nature of the political order and one or more unnatural combinations. The natural mixture is the one we have just set forth, in which leadership mobilizes competence, recognized by citizens, to lead them to peace through justice. In other words, the actors obey only leaders they have chosen for their supposed competence which favours the realization of the ends; citizens use violence only against their exterior enemies and interior

lawbreakers; and everyone shows the greatest respect for the polity's laws. The unnatural regime is the one that distances itself from this ideal, to a greater or lesser degree depending on how far away from it already is.

The typology of political regimes

Three intellectual attitudes are possible and legitimate. The historian's instinct is to be wary of classifications and comparisons, and to consider each historical case as irreducibly singular. For him, there are only individual political regimes, each one realizing an original combination of forms of power. The sociologist's temperament leads him to compare regimes and pick out the similarities and analogies between certain ones, which are then compared with others. He uses the occasion as a pretext for constructing an empirical classification whose taxonomic principle is the ideal type, a concrete regime from which he abstracts successive features in order to subsume the greatest number of cases to it. The philosopher's vocation is to implant a typology in a concept. All three attitudes are legitimate so long as in choosing one of them we respect the legitimacy of the other two and adopt an attitude appropriate for the study being made.

Since our investigation is still at the stage of fundamental deductions, it is the philosopher who must be consulted for obtaining a typology. A simple principle of construction is to maximize a form of power unilaterally and to take the most general compound typology conceivable as a point of departure. In the human sciences the use of symbols is prohibited by the necessity of multiplying them and the subsequent confusion this would cause users. We have to use words at the risk of substituting the scholar's definition of them for the reader's. We shall take that risk and call a political regime based on might an autocracy, one based on authority a hierocracy and one based on leadership a democracy. By introducing for each of them a few differentiating criteria offered by their founding principle, we obtain a coherent picture that can serve the sociologist and historian as well.

The founding principle of democratic regimes is leadership. Consequently, all power relationships (all in general and political ones in particular) are rooted in those who obey. People obey because they calculate that it is in their interest to obey competent leaders, to attain, or reserve nonzero chances of attaining, the ends they pursue as men. Who judges competence? Only those concerned are fit to do it, because if the competent were designated from outside, citizens would have their hands forced and their freedom to choose between obeying and not obeying would be a fiction. Therefore, democracy's ultimate principle is that the obeyers themselves choose those they consent to obey. That means the obeyers taken one by one, individuals or groups, because this is a matter of active and effective wills.

A change towards more particular regimes appears with answers to the question, 'Who chooses?' It would be tempting to introduce a more technical term, 'sovereignty', and to ask, 'What are the seats of sovereignty?', or 'Who is the sovereign?', if these words were not so charged with history and ambiguity that they are pretexts for every ideological deviation and intellectual confusion. It is better to abandon them. The answers to the question might be infinitely varied, but in fact, empirical data reveal that history has retained only three possibilities:

• Those who choose must be well born (always male), that is, representatives of certain lineages, eminent by their wealth, prestige and power in the social body and by their immemorial antiquity. We shall call them aristocratic regimes, because these lineages compose an aristocracy. The best examples of them are found in the Indo-European world, in particular in ancient Greece and, very pure, in the Homeric poems.

• Those who choose are the wealthy, that is, those having a certain accumulated wealth or a high level of regular income. These regimes are traditionally called oligarchic regimes, but the term is misleading. It would be more accurate to say plutocratic, if the expression were not so pejorative. It should be noted that neither aristocratic nor oligarchic regimes are defined by the fact that the aristocrats or the wealthy are 'in power'. It is simply they who designate the office holders. That the delegated also happen to come from their ranks is an almost inevitable circumstance, but it is contingent.

• When those who choose are all the polity's members, we speak of democratic regimes in the strict sense. They are regimes where neither birth nor fortune is the criterion for belonging to the body politic. But what about sex, age, ethnic origin or criminal record? To decide who is a 'member of the polity' is a difficult problem for every democracy. We shall return to this problem later.

Because of the nature of authority, hierocraric regimes, which dominate from Neolithic to modern times, except for localized and occasional exceptions, bring together three actors. First, a transcendent principle — called Heaven in China, Dharma in India, Allah in Islamic lands, God in Christian Europe — which is the real seat of power and the source of all delegation. But its transcendence prevents it from exercising power directly. It delegates it to a terrestrial vicar, whose ontological status varies from the Pharaonic divinity to Prankish humanity. He is less an individual man than a member of a lineage or dynasty. This delegated vicar is obeyed by his subjects who recognize both the transcendence and the vicariate. This founding structure places a double contract at hierocracy's core. It is generally implicit, but sometimes explicit, as in China with the notion of the 'Heavenly Mandate' or in the French monarchy. The first contract connects the transcendent principle and its vicar, the former entrusting the latter with the task of managing the polity, ensuring it peace and justice. The second contract links the vicar and his subjects, who obey him so long as peace, justice, prosperity and other benefits are ensured. According to the contract on which the emphasis is placed, two variations of the hierocratic regime can be distinguished. One is temperate hierocracy, in which the vicar's power is limited by right and in fact and obeyers have a certain institutional control over the exercise of political power. The second variation is absolute hierocracy, in which the vicar's power is limited in law, but very little in fact, because every position of power in the society comes from the centre. The distinction is helpful and even indispensable for understanding the chieftainships, principalities, kingdoms and empires that have made history for at least 5,000 years.

Autocratic regimes can be defined negatively by the fact that power is delegated neither from below nor from above. In positive terms, the one or ones in power are self-appointed and have seized control by violence and ruse. They then exercise it and hold on to it by using the same means and keeping the population in a perpetual state of fear. The very nature of might as combination of violence, fear, revolt and death points to the cardinal strategies of these regimes.

The primary concern is to prevent all revolt, because there can never be complete assurance that revolts can be controlled by a greater violence. For the autocrat, prudence indicates a sure solution: the people must be kept in a permanent state of social atomization. All coalitions likely to serve as a growing core of a possible rebellion must be forbidden. For him, the ideal would be to dominate a mass of individuals, whose defined forms would be limited to the functional needs of production. As the ideal is approached, the regime’s opponents are faced with a unique alternative, since they cannot organize their opposition into a collective movement: either they keep quiet by submitting, or else they rise up alone and are doomed to perish. The choice is between cowardliness and martyrdom. To obtain atomization, a usual tactic is to encourage people to inform on each other. Rather than to inform the regimes on the threats it faces, its main purpose is to instil mutual suspicion among the oppressed, so that no one can rely on anyone else: they neutralize each other. Another method serving the same ends is the establishment of permanent shortages. The situation produces an exasperated irritability which, since it cannot be addressed to those responsible for it, is turned on others and increases individual isolation even more. The scarcity of goods is not usually deliberate but provoked by the very nature of the regime for whom its dissolving virtues are a secondary benefit.

Autocracy’s second central strategy is the control of government machinery. The autocrat cannot himself atomize the people, ward off exterior enemies and assure the functioning of services. He has to delegate his might to lackeys who, by that very fact, become potential rivals, at least those occupying the more sensitive positions, especially those in the army. The autocrat must control the apparatus he needs for controlling everything else. His solution is to multiply the number of departments, so that they can control each other by spying and jealous competitiveness, and to make frequent purges, intense and arbitrary, to prevent the formation of networks of clients serving patrons who might threaten the autocrat.

As long as these two strategies are conducted consistently and firmly, an autocratic regime has hardly anything to fear except the trans-political scene, because there it cannot control events. This is why; incidentally, an autocracy’s spontaneous inclination is withdrawal and extreme prudence towards the exterior. Strategies can be pursued with more or less coherence and the power they keep in place can have different objectives. These variations should be distinguished.

The rarest is the despotic regime, almost a historical curiosity. In the strict sense that the Greeks gave to the word, the despot considers the polity his personal property and manages it as such, which does not exclude good management. He benefits from his efforts, however, and he alone decides how the benefits are to be distributed. He can be generous, but is most often selfish.

The tyrannical regime is much more widespread; since it is a corruption of democratic and in particular hierocratic regimes- In it the one holding power uses it to satisfy his passions and instincts, the love of power for itself, lust, miserliness, greed and vanity.

The authoritarian regime is badly named, because the expression has a pejorative sense for the word ‘authoritarian’, which is laudatory, but I am afraid this usage cannot be overcome. It is a frequently occurring regime, and is common to our modern age, even if one can find precedents, in particular in the late Roman Empire. A minority, almost

always the army, seizes power in a palace revolution or a coup d'etat and assumes the right to monopolize political power. Its distinctive feature is that its leaders do not try to extend this monopoly to all social activities, which are essentially left to their autonomous spontaneity. The economic order, in particular, can be placed in conditions favourable to its efficiency, which makes authoritarian regimes plausible economic modernizers.

The ideocratic regime does not possess such self-restraint, and at a certain epoch that earned it the adjective 'totalitarian', a word too much laden with futile arguments to be maintained. A self-designated minority seizes power but, in this case, so as to impose an ideology or utopia on the polity. As a 'cracy' exercising power according to autocratic strategies, one ideocracy closely resembles another; however, their ideologies differentiate them profoundly. They can be divided into two main categories. One is reactionary and counter-modern. Its visceral abhorrence of all forms of modernity serves as a pretext for establishing or bringing back a state of society that is radically distinguished from it. The fascisms of the period between the world wars and today's religious fundamentalisms are examples. The other category can be labelled ultra-modern, because it supports ideologies claiming to realize and push to their fulfilment values and ideals of modernity, but without resorting to, and even by opposing, the democratic and capitalist institutions developed in Europe and the West. Communism and socialism fall into this category.

To be complete, we should also point out the Mafiosi regime, to which the authoritarian regime is often reduced and to which ideocratic regimes inexorably lead. Its distinctive feature is the setting up of clients controlled by 'godfathers', who keep an eye on and counterbalance each other, and agree to share the fruits of the people's exploitation for their own benefit and that of their respective 'families'.

The meaning of the typology

It will have been remarked that the typology as presented here differs substantially from the one we inherited from the Greeks. It is based essentially on the number of rulers: one — monarchy, few—oligarchy, all — democracy, and on the respective corruptions of these forms: tyranny, plutocracy, ochlocracy, at least according to one variant. Another typology, Aristotelian, comes closer to our construction on one point. The achieved democratic regime that we have described is by nature mixed in the sense that the constraints of action impose the unicity of the occupier of every high position; that these positions are occupied in principle by the most competent and thus by a small number; and that the entire body of citizens chooses and delegates the most competent.

Other, more important points must also be made. It is now obvious that political regimes do not establish themselves in just any historical or social milieu. An aristocratic regime, whether defined as such or based on a hierocracy tempered by counter-powers of aristocratic lineage, implies an aristocracy — a rather rare variant — of social elite. An oligarchic regime implies not only wealth, but a valuing of wealth for itself and a certain rigidity of social stratification, conditions easily found in city-states — those small social universes constituted into polities and focused on a village or town — for which oligarchic regimes are in fact an irresistible temptation. Hierocracy requires the possibility that the majority share a belief in a transcendent principle and in the vicariate

of its representative here below. Ideocracy implies the preliminary development of Utopias with political vocations. And so it goes.

More generally, and from a strictly logical viewpoint, from the moment several political regimes are possible, there must be exterior factors to favour — in a given historical and social context — the actualization of one of the possibilities. Democracy, to which this study is devoted, must benefit from the combination of specific conditions of possibility if it is to become a historical reality. We shall point them out and determine their chances of occurring.

This historical contingency of political regimes does not contradict the typology's obvious polarization. We have already encountered it. Let us consider the three initial regimes. The democratic regime has a nature that responds exactly to human nature, defined as free, end-oriented and calculating/rational/reasonable. We can postulate before demonstrating it, that this same regime, developed in institutions and organizations, proposes devices and procedures required by the pursuit of peace and justice, in order to overcome the consequences of human freedom, sociability and conflictuality. It is in this sense that democracy can be considered the natural regime for the human species, because it is the regime whose nature is most suited to solving problems posed to men by their nature.

At the antithetical pole is autocracy, the most unnatural regime for man. It also has a nature and is also included among the natural possibilities, which means that it can be objectively studied the way a biologist can study a cancerous cell without having to deny its pathological character. However, since it directly disallows peace and justice from being realized, it is an abomination to human nature. No one can be convinced that fear is man's natural temperament that it favours the blossoming of all his potential.

As for hierocracy, it must be seen as occupying a shifting position. The more moderate it is, the more it is inclined in the direction of democracy; the more absolute it is, and the more it tends towards the autocratic pole. But neither form ever reaches its respective pole. The Pheacians' extremely temperate hierocracy was not a democracy, nor was Tamerlane's absolute hierocracy an autocracy.

One final feature. Each fundamental regime has its own nature and logic. The *a priori* conclusion is that it is infinitely improbable, if not absolutely impossible, to pass from one regime to another by imperceptible strokes. The passage from one regime to another, from one logic to another, is bound to be marked somewhere by a rupture. This rupture can be called 'revolution'. A rough combination gives six possibilities: from democracy to hierocracy or autocracy; from hierocracy to democracy or autocracy; from autocracy to democracy or hierocracy. Democracy is our subject and even more precisely, democracy in the modern age. The combination presents several problems and hypotheses: How could-modern democracies have been born from revolutions destroying *anciens regimes,* hierocracies?

What are the risks that they will fall into autocracies? What are the chances that modem autocracies will cede their places to democracy? We are naturally led to examine the problems of democracy's origins, corruptions and future. We are not yet ready to solve them. We must first go much further in the analysis of the nature of democracy.

4

THE NATURE OF DEMOCRACY

The specific subject of this chapter is the 'unwritten law' of democracy, to keep the terminology proposed earlier. We must discover and define the ultimate and exclusive characteristics of a democratic regime, taken in its conceptual purity. It is the only available procedure permitting us to combine factual and value judgements into unified ones. If we succeed in our undertaking, we shall know simultaneously what a democratic regime is, what a regime desiring to be democratic must be and what men must want, since the democratic regime is natural to man.

The logical, not rhetorical, point of departure for our study must be the form of power developed by democracy, namely, leadership. Its essential feature is to make well-understood interest the basis for obedience. Its fundamentally contractual character emerges from this. Democracy is above all a contract or cluster of contracts, linking individual and collective actors according to well-defined terms. As we know, in a contract the contracting parties exchange something. And an exchange can be fair only on two conditions: the exchanged must be equal and the exchanging parties free. We also know that the exchangers' equality is appraised and determined by the parties in parallel negotiations with themselves and with each other. This implies that they can weigh the pros and cons that they can calculate. Finally, the exchanging parties engage in this practice to pursue an end, because even if the exchange were only a game for them, the game itself would be an end: an amusement, the pleasure of being together, the satisfaction of negotiating skilfully — all possible ludic ends. All in all, by a series of non-verbal implications rooted in the concept and reality of power, the democratic regime is based on leadership, which in turn is rooted in contracts, and contracts suppose free and calculating actors striving towards ends. We have once again come hill circle in showing democracy's profound and intelligible naturalness in regard to human nature.

We must not be surprised if an inevitable cognitive result of all democratization, at least where experts in reflection exist, is contractualist theories, for the very good reason that the democratic regime is contractual in essence. These contractualist theories owe their justified 'ism' to the fact that they relate not only to rational, empirical, scientific or philosophical knowing, but also to political knowing that we have placed in ideology and cameralism. We find them in the great historical experiences of democratization and political reflection, among the sophist Greeks (500 B.C.) before their excesses caused them to be attacked by Socrates and Plato, and in modem philosophy.

All institutional and organizational problems that can be posed to political actors desirous of establishing a democracy can be resolved. Furthermore, the solutions can be found in theory by putting oneself in the actors' places and asking: What solutions would purely free, end-oriented and calculating actors adopt? With such an epistemological position we can construct, by successive deductions, a model of pure and perfect democracy, both ideal to aim towards and a yardstick for understanding reality. It is a model for which we should hope to design a computer program — a democratic software. But we cannot do everything. The pedagogical method is to put the pupil on the right path, and to guide him for a certain time before leaving him to explore the rest of the path alone. We shall examine what appear to be the model's essential articulations: the nature of groups, the nature-of ends, the distinction between the public and the private and

delegations of power. Each time, we shall be looking at the founding democratic rules and their decisive corruptions or perversions.

The nature of democratic groups

We know already that a group is composed of at least two actors who join their efforts to attain a common end. It is a collective actor that, by adopting appropriate procedures for deciding, mobilizing and acting, can behave as a unit of activity towards other individuals and collective units, regardless of the number of individuals in the group. Finally, it is a unit existing physically, mentally, intellectually and spiritually — if need be — through and in the individuals composing it, so long as they identify with the group's end by making it their own. Since ends are multiple and varied — emotional, biological, economic, political, religious, intellectual, erotic, ludic, etc. — the groups formed are also multiple and varied: a couple, family, firm, political party, laboratory, newspaper or magazine, polity, club, literary coterie, church, monastery, and so on. All these groups are expressions of human sodality, just as networks are expressions of its sociability and morphologies expressions of its sociality. By themselves, all these social products are independent of democracy. They have the logic and rationality of their pursued ends and the forms given to them by the historical matter in which they emerge. But because of the centrality of the political order in human affairs, all groups are bound to be affected by the political regime presiding at their formation.

Democracy's contractual character imposes on all groups in democracy a striving towards conformity to three fundamental democratic rules:

• Each person is free not to join a group, whatever it may be, because he is absolutely free. Therefore, he can calculate that it is not to his advantage to participate in it, that the group's end has no interest for him. The same conclusions are reached by arguing that the ends pursued by certain groups are arbitrary, undecidable or optional. That leaves each person free to reject them without antagonizing rectitude. In any case, even if the ends were decidable and indispensable, men's native freedom would oblige them to be converted by persuasion and would forbid their being forced to join.

• Each actor is free to leave any group whatsoever, since he was free hot to join. One might suspect a sophism here. After all, once embarked with a group a member does not leave. But this would be incorrect, because groups exist through and in individuals, not just at the time of their formation, but as long as they last: a group is a continuous creation of its members. It is created at each moment by its members' decisions to join, and members never cease to speak. Therefore, members have the right to demand at any time their freedom not to join, which means their freedom to leave. On the level of principles, one does not leave; one simply does not join any more. Of course, freedom cannot remain without qualifications, because by asking to join and being accepted by others, each person contracts mutual obligations towards the group whose unilateral denunciation would jeopardize the success of those who stayed on. And this introduces an inequality in the contract that would be unjust by nature: some members would see their membership costs increase and their benefits diminish, whereas the leavers would enjoy just the opposite situation. In a word, it is just to place conditions on the exercise of the freedom to leave a group.

• Not just anyone is free to join, in the sense that it is not sufficient to express the wish to join and expect one's acceptance as an obligation. Each person is free to become a candidate for membership, but his candidacy's fate depends on those who have already joined.

This clause is imposed by the very nature of groups, which are founded to achieve certain ends. Those composing the group must be able to make a positive contribution to the pursuit of ends, and that, in turn, imposes a selection of candidates for membership based on their supposed capacity to make a non-zero contribution. Hence, democracy's very definite general rules applying to joining groups: every actor can be a candidate; candidates are appraised on the basis of their plausible contribution to the groups' ends; candidates are ranked according to their contribution; they are selected on the basis of their respective merits; with few exceptions, only those who are inside are fit to weigh the candidacies, and their choices should be based on justice, by considering exclusively the group's success; in a word, democratic selection is a co-opting of competence by the competent.

Corruptions and perversions can strike the relationships of the group with its ends and that of individual members with the group's ends. We shall deal with this in the following paragraph. Other corruptions and perversions affect fundamental rules. In a democracy, it is illegitimate in itself and ought to be illegal — that is, the written law should conform to the unwritten law — to force someone to join a group by violence or ruse: conversions obtained under threat, slavery, monopoly of the media reinforced by the prohibition to tune in to other stations, a young woman's forced marriage to a man she does not want and all forms of compelled entry into any group whatsoever are illegitimate.

Slavery is unnatural, not because, as Aristotle believed, no man is so stupid as to want to be reduced to doing a slave's mechanical work, but because no man as a free man can be deprived of his freedom to refuse such work and to accept the consequences of his refusal. Neither is any man free to sell himself as a slave, because that contract would be made essentially unjust by the impossibility of one of the two parties to break it at any time. Slavery is both inhuman and undemocratic, which underlines all the more the historical paradox that the most resolutely pro-slavery societies were aristocratic societies with temperate aristocratic, oligarchic or hierocratic regimes. An exception is slavery in an ideocracy where it is the workers' normal condition.

One irreducible exception to man's freedom not to join a group should be noted: nobody has ever enjoyed the freedom not to be born! One can argue that this initial privation of freedom is removed by the freedom to commit suicide and that by not doing so; one is retrospectively confirming the fortunate choice of one's parents. It is doubtful that this argument eases the suffering caused by finding life unbearable.

There is also corruption and perversion when leaving the group is forbidden, when the freedom or right — they are interchangeable synonyms — is denied to actors to emigrate (to leave the polity group), to divorce (to leave the couple group), to abandon one's faith (to leave a church group), to change jobs (to leave a company group), to kill oneself (say goodbye to the human group), and so forth. It is also antidemocratic to demand freedom of entry or to impose entrants, without consulting those within and without considering either the ends of criteria for entry. In a word, it is antidemocratic to oppose the rules of co-optation, whether an exterior power is imposed on the group, or the members

themselves are corrupted. To take just one example: it is antidemocratic for a company's employees to consider it as being in their exclusive service, to insist that acquired advantages be maintained, to refuse all laying off, to reserve employment for their families, etc., because a company's end is to offer its clients the greatest number possible of goods and services of the best quality and at the best price. Everything must be subordinated to this end, at least in a democracy.

Corruption and perversion are not synonymous. A corruption is a more or less serious transgression of a rule or principle. Perversion presents the transgression itself as the rule or principle. In a company, it is corrupt to keep jobs for one's children and friends. It is a perversion to fill it with ideological creatures and claim that production will benefit from these practices. It is a corruption to prohibit the emigration of scientists because of the state's investment in their education; it is a perversion to justify the prohibition by the mystical integrity of the nation or the proletariat.

The status of ends in democracy

Ends are so important that we must have another look at them, though the subject is inexhaustible. Two points in particular are essential: the status of ends in general and the relationship of this status to democracy.

The status of ends is first defined by the nature of the group. A group is formed to reach an end, which means that a group is not defined by the mere fact that it is a mode of human sodality — this fact constitutes it only as a matter awaiting a form, that is, an end — but by the end pursued.

A few succinct examples should give convincing illustrations of this truth. Take the polity, the group with which we are most concerned. By nature and definition, according to our construction, a polity is formed to ensure — or at least to strive towards — peace and justice among members of a particular group. Its ends give it its meaning. But they give it neither its existence nor material conformation. France, the United States and China are all polities. Everybody knows that they were not born from a convention of future associates — although the origins of the United States come just a little closer to a founding 'political' treaty — but rather from a very long and complicated history, in which war and trans-political relationships, rather than peace and justice, dominated. But that does not prevent a polity from having peace and justice as ends and deriving its meaning from them.

Similarly, the nuclear family is the result of more or less complicated contingent histories — of husband and wife, their meeting, the fruits of this meeting and life's many hazards that can affect this group once it is constituted. All these histories make it exist and give it its singular configuration. But these contingencies have no effect on the family's ends, whose principle is the reproduction of the species and the reprogramming of cultures from one generation to another. Reduced to a unique formula, the family's end is to 'civilize savages', to lead the representatives of each new generation to adulthood, in a way that they can fulfil, in the best way possible, the human and social roles awaiting them in a given historical and social context.

And so it is with all groups, whose pursued ends are independent of the contingencies of their birth and formation. The ends themselves are defined in the context of what we

have called orders. Peace and justice are the ends of the political order, prosperity is the end of the economic order, beatitude is the end of the religious order, and so forth. The result is that ends are objective and completely independent in their essence and definition from the groups and individuals who strive towards them. For this reason, it is better to avoid the more modern and current expressions such as ‘value’ and ‘ideal’, because they have connotations that are too subjective, collective for ‘value’ and individual for ‘ideal’: an individual has a personal ‘ideal’ and groups have their ‘values’.

The objectivity of ends has an effect, at least in principle, on the groups’ institutions and organization and on their members’ conduct. “This is precisely what we are trying to establish: peace and justice require a certain political regime, one inscribed in specific institutions that require specific qualities from citizens in order to function. The logical and ontological sequence is as follows:

• There are political, economic, religious, scientific, pedagogical and other ends.

• The pursuit and realization of ends rest on the formation of groups.

• Individuals form and join groups to reach these ends, which they adopt as their own.

• The behaviour of these individuals conforms to the requirements of the three preceding points: they are faithful to the duties of their station, to use an old-fashioned expression.

But how does this situation, which would seem to be universal, specifically call for democracy? In fact, democracy is concerned in two ways. On the one hand, we are arguing that democracy is the only mode of organizing politics which is faithful to its ends. In the first place, local in a way, democracy implements the above-mentioned four rules in their political order. The political order’s centrality appeals to democracy in a second, more subtle, way. It postulates that only a democratic political regime — or one with pronounced democratic dimensions — lets each order reach its adequate expression, and permits the supposition that, according to whether the political regime leans more towards the democratic, hierocratic or autocratic poles, the different orders will be differently affected in their concrete actualizations.

The picture sketched is too idyllic and is far from empirical reality. Thus, certain corruptions and perversions that could blur or disfigure it must be indicated. Certain ones are obvious, others are more difficult to pinpoint. All of them poison either the very perception of the ends or the individuals’ relationships with them. Political ends are corrupted if foreign conquest becomes the polity’s end. The edification, consolidation and perpetuation of an empire cannot be legitimate political ends. This is why, incidentally, should democracy by chance launch itself into an imperial adventure, as Republican Rome did, sooner or later it will lose its democratic institutions (in Rome’s case, they were predominantly aristocratic) and they will be replaced by absolute hierocratic institutions, as in imperial Rome.

Most of the time, these political revolutions in the autocratic direction have occurred prior to the phase of imperial expansion, as in the Middle East, India, China, Peru and Mexico.

This position does not rule out an all-conquering democratic polity, but it forces it to justify a conquest by constraints of peace. In other words, a conquest must diminish the risks of a later war. On the other hand, according to the rule of the freedom not to enter,

the conquered must consent to integration within the polity and be accepted on an equal footing. Admittedly these conditions are severe and hard to realize. This only underlines the difficulty of making foreign and domestic policy compatible, and a possible handicap to democracy on the trans-political scene, when it meets with hierocratic and especially autocratic regimes.

Trickier is the corruption appearing when the polity's end is 'eternal salvation'. Beatitude is a religious not a political end- There can be no compromises on this point. But the political order is central and must favour the actualization of all orders. At the very least, the polity must not interfere with citizens who adhere to a religious faith. It can legitimately go further, by promoting the worldly conditions required by those seeking their salvation. It can even happen, if the citizens all belong to the same faith, that each person's salvation is their common interest. But the rule of unanimity makes this hypothesis most unrealistic.

Similar problems must be treated with the same logic. For example, democracy's concept of freedom includes the citizen's right to divorce. What happens when *a* certain religion forbids divorce to its faithful? Answer: the faithful concerned renounce the freedom to divorce for themselves. Even if all citizens were believers and gave up this freedom, it would nevertheless remain a virtuality of the unwritten *law*, and it would be illegitimate to transmute it into a written law prohibiting divorce.

As for the corruptions and perversions capable of affecting individuals' relationships with groups, they are born from the individuals' refusal or incapacity to make the groups' ends their own. Some group members enter and stay in a group, not to realize its ends with others and for the best, but because they hope to realize personal interests. They are driven not by the respect for their statutory duties, but by ambition, greed, pride, miserliness, vanity, etc. In a word, they are vicious rather than virtuous. Since we shall be returning to these problems in a later chapter, we can stop here for the moment.

Private and public spheres

The distinction between private and public spheres is so decisive for democracy that the two should be examined with the greatest rigour and precision. Thanks to the two preceding points, we know that in a democracy individuals and groups pursue ends. More generally, free/calculating and end-oriented actors are in a position to fix themselves objectives and to strive to realize them. For convenience of language, let us call these objectives 'interests'. A twofold problem arises. How can interests be defined and how can they be realized?

The definition does not concern their material content. They are made up of ends as well as goals and aims that lead to ends. The end of the political order is peace, on the trans-political scene as well. Its aim would be the diplomatic and strategic plan of action adopted by a polity for this end. The goal would be the alliances, weapons systems and strategic plans developed to serve this aim. Interests—and this distinction could justify the change of vocabulary—are forms given to these matters. The simplest way to understand the nuance is to add a series of adjectives to the word 'interest'.

First would be 'singular' interest, by which is meant a circumstantial activity, either limited (lighting a cigarette, writing a book, reciting a prayer) or comprehensive (self-

improvement, continuing one's education, starting a business) in the sense that, whether composed of more or fewer isolable limited activities, they all contribute to a unique isolable objective.

The 'particular' interest is the set of an actor's singular interests. Since once cannot have everything, immediately and simultaneously, the role of the particular interest is to impose an order on singular interests, an order of preference and urgency. The time scale does not matter, it can be an hour or an entire lifetime. Nor does the range of singular interests matter. It can even happen that in a case of neurotic fixation, the singular interest and the particular interest merge.

The particular interest is always that of one actor. Since an actor can be an individual or a group, the particular interest must be sub-divided into an 'individual' interest and a 'collective' interest. The former is self-explanatory. The collective is the particular interest, an arrangement of the singular interests, of a group as such, that is, of all the group's members as members. Thus the collective particular interest of an economic enterprise could be — but this is only a hypothesis at this stage of the demonstration — the maximization of profits drawn from the market, tempered by the minimization of internal friction.

Let us continue with new adjectives. The 'common' interest is a singular interest responding to two precise criteria: to be present in each particular interest — individual and collective — and to head the list of the arrangement of each particular interest. What interests can be common? This we know already. They are the most general conditions of possibility for all particular interests: peace and justice, which are the ends of the political order. One could play on the word and state that the polity's collective particular interest is the common interest. Actors who would be only free, calculating and end-oriented would always place the common interest before their respective particular interests, because they would know without a doubt that the common good is the condition for particular goods. Unfortunately, we shall see that this beautiful harmony is unrealistic and furthermore implies virtuous actors.

What becomes of the 'general' interest? Since Rousseau, it has fostered confusion, fatal for democracy, between collective and common interests as we have just defined them and a false interest, which would be that of the polity as such, conceived of as independent of the citizens composing it. Consequently, the general interest is not only distinct from the particular interest—whereas the common interest is *in* the particular interest — but the two are contradictory. This conceptual and notional subtlety is at the intellectual origin of the most radical ideological perversions, because if the particular interest contradicts the general interest, citizens, bogged down in their particular interests, are incapable of catching even a brief glimpse of the general interest. It can count only on those exceptional persons who renounce their particular interests, receive the revelation of the general interest, accede to political power and impose the general interest over particular ones. Among these exceptional beings have been Robespierre, Lenin, Hitler, Mao and Pol Pot.

In summary, common interests are defined and realized, possibly, in the polity as such, and particular interests are realized either individually or in all the groups that individuals form for this end.

It is not enough to define interests. They must be realized or, more modestly and fairly, have the chance of being realized. Particular interests as well as common interests pose problems that seem insurmountable at first sight. Let us begin with particular interests. They are all politically legitimate, as long as they do not resort to violence or ruse to be satisfied. The 'politically legitimate' ought to be vigorously stressed, because ignorance of this expression can lead to more serious miscalculations.

Take this simple example. Mathematicians accept equality: two and two make four, as demonstrated. Suppose someone convinces himself that two and two make five and wants to persuade others of this by speaking and writing. This opinion then becomes a part of his particular interest. His opinion is politically legitimate, because no one can legitimately deprive anyone of his opinions without depriving him of his freedom in a matter mat is undoubtedly decidable, but unimportant for the polity's peace. It is nonetheless true, however, that this opinion is arithmetically illegitimate.

By generalizing this example, we obtain the proposition that every particular interest can and must be judged according to two alien viewpoints — the one political, where the only criterion that applies is respect for the rules of the game promoting peace and justice, which in practice amounts to using neither violence nor ruse; the other is defined by the order, religious, economic, scientific, etc., to which it belongs, where it must be judged by the community of the component. The political order also has its truths and errors, its legitimate and illegitimate opinions. The result is that in a democracy even illegitimate political opinions — that is non- or antidemocratic opinions, since democracy is the truth of the political order — have the freedom of expression as long as they do not resort to violence.

As to what a specific order considers illegitimate, the only legitimate reply is refutation, argument, persuasion and discussion. Corruption consists in thinking that political freedom of opinion and speech is equivalent to the general human freedom to say and think whatever one likes with no regard for the truth. And it is perversion to conclude from this that there are only opinions and that all are worthwhile.

Because of human non-programming, legitimate particular interests are indefinitely diversified by ambitions, opinions, tastes and calculations. But all of them can seek to be realized — this is the freedom of initiative and enterprise — otherwise it would mean conferring on someone the power to choose between acceptable and unacceptable interests. Such a power would never be consented to by those who would be its victims, since they would be subjected to a politically illegitimate violence.

The problem posed to a polity's members is very precisely as follows: How to promote the coexistence of infinity of divergent and discordant interests, all politically legitimate, without risking an explosion, without counting on a spontaneous harmony and without having a choice imposed from the outside? Only one solution is possible. Markets must be organized. They must be protected from violence and ruse and allow all politically legitimate interests to enter, so that innumerable negotiations can be established and develop. They will then lead to instantaneous positions of equilibrium. We can call these positions of equilibrium in permanent evolution 'mean' interests. The word 'market' has connotations so plainly economic that I risk proposing the neologism 'agory', taken from the Greek *agora,* to designate a regulated social space where the interests of all orders — economic, religious, amorous, cognitive, ideological, technical

— can meet and clash. In a word, agories transform particular interests into mean interests.

Common interests pose a new problem, because they cannot be realized by agoric procedures. Take two common interests: legal justice and punitive justice. If each person can decide on the rules of the game, he will do so according to his opinions and calculations, and there will be no rules. If each person can define what cheating is, pick out the cheaters, judge and condemn them and enforce a punishment, then each person is granted the right of life and death over others! Common interests must therefore be realized in common. But if everybody readily agrees on the ends — nobody is against peace or justice — the unanimity ceases once it is a matter of transcribing the ends into aims and goals and, still more, into strategies for acting. Ask a group of army generals for a plan to ensure a polity's security from external threat and you will probably have as many plans as generals.

Of all interests, common ones are most subject to variations and divergences, because they focus on the future and the unknown. Yet all opinions are politically legitimate. In another way, common interests must be realized immediately, since they affect the realization of all particular and mean interests, because the regulation of agories is a common interest. What can be done? Organize a social space where all politically legitimate interpretations of the common interest or good can enter, meet, express their viewpoints and argue with each other. It must be done in such a way as to maximize the enlightenment of the polity's members and make it possible to choose an interpretation by a more or less qualifying vote or by a unanimous rallying to it.

At the outcome of this simple but concise argument, we can define the private sphere as that of particular interests, of markets/agories, of mean interests; and the public sphere as that of common interests or the common good: as an order it is political and as a specific activity, politics. It is responsible for defining, after contradictory debates between politicians in the presence of citizens, the common interest in the form of programmes, and for striving to realize an interpretation of the common good in spite of the obstacles and constraints that handicap its acting.

Here it suffices merely to point out the principal corruptions and perversions that we shall take up later in detail. We have already stressed the confusion between political legitimacy of opinions and their legitimacy according to their respective orders. The corruptions and perversions most harmful to democracy focus on illegitimate intrusions between public and private. When the public sphere is invaded by the private sphere — for example, by interest groups or lobbies — or the private sphere by the public — when the government becomes involved in what it has no business doing — we observe corruptions, which then become perversions when the public sphere absorbs the private sphere in ideocracies or the private sphere the public in phases of anarchy.

The delegation of power

The constraints exercised by the realization of ends impose power relationships in all groups. But all groups must rely on leadership and democratic motivations for obeying. Once again, we find the ambivalence and ubiquity of the political order and democracy. Democracy is both an order and a political regime on the one hand, and on the other an

order that affects all other orders and imposes its regime on them. Consequently, democracy is not only political; it is also economic, religious, artistic, pedagogic, etc. In practice, this means that each order must adapt itself to a democratic regime, by reconciling democratic requirements with its own rationality as much as possible. One can argue that modernity that began to emerge in Europe in the seventeenth century and then spread to the rest of the world, is a gigantic historical process of the transcription of democracy into different orders, and that this transcription has still not been fully achieved.

Ideally, in all groups, each member must be able to accept the following reasoning: 'By obeying such an order in the context of a group I have chosen to enter and into which I have been accepted. I increase the group's chances of attaining its natural ends and, as an indirect result, my own chances of advancing the realization of my particular interest.' Conforming to the nature of leadership, the centrepiece of the reasoning is the competence of the one who gives the order, as judged by those who obey him. From this we can deduce directly the status of power and leaders in a democracy. It follows three imprescriptibly rules:

• All power is delegated, which means that no one is in himself a power holder, nor is he one because he has been delegated from above.

• All delegation comes from obeyers, who are the only legitimate holders of power, not as a body, and still less as an abstract collective of the people, nation or class type, but as real individual actors.

• Every delegation of power must be circumscribed to a specific group of activities to be co-ordinated; it must be temporary, that is, for the time necessary to succeed in a collective undertaking or achieve a discrete portion of success; it must be reversible, because it has to be foreseen that delegates can become incompetent over time.

These rules apply to all groups in a democracy. In the polity and in the public sphere, delegates are called politicians, political or public servants or statesmen. In the private sphere, they are known as heads of families, company presidents, professors, club officers, religious authorities, and so on.

One notable exception must again be pointed out — the family group. Just as children are deprived of their freedom to choose whether to enter into life, they cannot choose their parents. It is the only domain where even in a democracy in its pure and perfect state, the leaders designate themselves to lead and the led have no choice of competence as a basis for obeying. This restriction has nothing anecdotal or cognitively curious about it, it simply underlines the most serious flaw in the human system in general. The freedom of the species means that its representatives must re-programme cultures from one generation to another. But the reprogramming is not entrusted to the most competent, designated by appropriate procedures, but, on the contrary, to every couple who judge themselves to be competent or who may not even ask themselves the question. There is no technical solution to ease or erase this flaw, because in this domain every solution will always be opposed by the insurmountable argument: 'Who will educate the educators?'

Other than the particular case of the family, all other groups have the possibility of finding procedures or institutions conforming to the rules. To speak of them here would

be to go beyond our subject. It will suffice to point out several political solutions in the following chapters.

Certain corruptions and perversions are too obvious to warrant development. For example, no seizure of power by violence or ruse can be legitimate or tolerated. This impossibility would be enough, if need be, to disqualify any legal take-over of power by illegitimate forces, any accession to political power according to democratic written law by political actors determined to subvert democracy. Such a ruse stamps power with an original illegitimacy and absolves citizens from any obligation to obey. Thus, the Nazi regime's claims to legality were only a hypocritical facade and a pretext for political and civil cowardice. It goes without saying also that it is completely inadmissible that a leader should hide his incompetence and use violence, ruse or corruption of delegates to escape being removed from office or an electoral defeat.

The confusion between political delegation and representation should be pointed out, because it is frequent and fatal. It is not just a matter of words, but of vital realities. A delegate receives the power to give orders on the part of the obeyers, his mandate being limited, temporary and reversible. A representative is conceived as the adequate substitute for those who appoint him. In substituting himself for them, a representative becomes a seat of power and of its delegations. Going from substitution to substitution, we end up with one or two ultimate substitutes having become sovereign seats of power, and democracy perishes in ideocracy.

In the best of hypotheses, the confusion stems from the illusions of 'direct democracy'. Democracy would be direct if citizens as a body could take charge permanently of the common good. It might be possible for five or ten, perhaps. Beyond that, delegation is inevitable. It is senseless to claim that by reducing the number by successive substitutions, one after the other, one reaches direct democracy. The democratic solution completely avoids this trap. It gives all citizens the freedom to choose delegates, to whom specific tasks are entrusted: enacting laws, voting budgets, guaranteeing interior and exterior security, punishing cheaters, etc. Delegates do not substitute themselves for citizens; they quite simply serve them.

The nature of democracy, as we have tried to describe it in this chapter, should allow us to tackle two new stages. The most crucial will consist of reconciling the nature of democracy with political ends and of demonstrating that it is really the 'good regime', the one that offers the best chances for attaining peace and enjoying justice. The other stage, if we had the space to cover it entirely, would consist of examining the invention — in the different historical and social contexts — of democratic solutions not only in the political order, but in all orders. That would be an enormous undertaking, quite feasible incidentally, but one that would result in a huge book. We shall reduce the stage to a more modest dimension by analysing the public institutions of modern democracies.

5

DEMOCRACY, PEACE AND JUSTICE

We now have the precise and decisive task of taking another look at the nature of peace and justice. We must determine the conditions for their possibility or the procedures for reaching them. We must demonstrate that democracy faithful to its nature offers

appropriate conditions and procedures. We must remember that the analysis of justice has authorized us to divide it into two units, the law and the right. Law applies to constitutional and legal justices, and right to contractual, distributive, punitive and corrective justices.

Peace

This aspect of the problem is the easiest to deal with, except for one very delicate point. The easy part allows us to make two obvious, almost tautological, propositions that underline the congruence of peace and democracy. We have given an initial negative definition of peace as non-violence. As a political regime, democracy is grafted on leadership and opposes might. It eliminates recourse to violence between citizens, whether in the public sphere or in private agories. Violence is reserved for foreign enemies and domestic delinquents and criminals. On the other hand, we could finish this chapter on peace by arguing that the end of the political order is peace through justice: if we can demonstrate the compatibility of justice and democracy, democracy will establish peace by establishing justice.

The delicate point is not the apparent contradiction between just pacification whose virtues we attribute to democracy and the perpetual cacophony that real, and no longer ideal, democracies turn out to be. Every democracy experiences unending conflict, is constantly full of ‘sound of fury’, and, to the superficial observer, it would always seem to be on the brink of plunging into confusion or even civil war. But the observer is superficial, because he is thinking only in the short term, overlooking the empirical data on the longevity of democracies and the reasons for this longevity. In any case, even if this objection were well founded, it would be off the subject, because, as we know, peace is the absence of violence, not the absence of conflict. The delicate point is raised by the positive definition of peace as spirit of peace that blossoms into friendship among citizens. More simply, and to avoid all turgid sentimentality, we shall say that citizens must want to live together. What can democracy offer for implanting and sustaining this desire? A contract, nothing more. This contract is defined by the regime’s very nature, by the nature of the leadership that gives it its substance: citizens are united by a contract renouncing violence between themselves and setting forth rules of the game which permit them to attain the common good and realize their particular interests transmuted by agories into mean interests. The purely rational contract would be enough to ensure lasting bonds between individuals who are purely free, calculating and end-oriented. Men of flesh and blood are all that, but they are much more.

Even if they were only that, it would not be easy for them to answer the decisive question: ‘Who is to be allowed to sign the contract?’ ‘Whoever wants to’, does not work, because it would contradict the clause of non-freedom to enter. ‘Whoever can contribute to the common good’, might seem to be the right answer, but it is meaningless, because any individual defined as free, end-seeking and calculating, and as that alone, can contribute just as much as any other.

If additional characteristics for selecting candidates are added, we move towards real, culturally determined men. Then the question of the will to live together becomes very complicated, and the distinctions introduced earlier become useful and even indispensable.

The desire to live together is supported by four distinct supports. The most inclusive is culture or civilization, the network through which religious, aesthetic, moral, intellectual and other information is conveyed and can be related to a common corpus. Christianity, the Hindu and Chinese worlds, the Sahelian Islamic complex, etc., are such networks. Sodality proposes with morphologies — the band, the tribe, the nation, feudalism, etc. — a second foundation for this desire by resolutely cementing groups and networks into a society. The third anchor for the social bond is the polity, the group for which one is ready to die, since its concept includes war with outside forces. A polity is not drawn up by a contract between its members. It is the contingent product of an always complicated, almost always long (hundreds or even thousands of years) history, whose logic stems from wars that took place on a given trans-political scene. The final bond is or can be the democratic contract.

Singular situations are still more complicated by the fact that the relationships between these four bonds are extremely variable. There can be a high congruence between democracy, polity, morphology and civilization, as in the case of modern Europe, or else there can be almost complete disjunction. Europe is an exception because the morphology of the nation tends to superpose polity and morphology, and because Europe’s cultural unity is very great. This means that a polity like France, by becoming more democratic after the Revolution and especially after 1871, succeeded in endowing itself with an exceptionally solid social bond, through the nearly perfect congruence of the four currents. We find cases just as exceptional in certain Greek city states—in Athens, for example. Let us affirm once again that the stated determination to live together does not affect the intensity of internal conflicts. Like Athens, France has given full witness to the fact. We can form an idea of the confusion introduced by the notion of a ‘social contract’, which mixes together completely, and to the utter delight of all sorts of ideologists, the cultural bond, the morphological cement, political solidarity and the democratic contract. The reigning confusion is so great that the only advice is to abandon such a suspect expression.

Law

Law designates the set of fundamental or circumstantial rules defined in a polity as such and applied to all citizens. What about the status of the private regulations produced in all groups? On the one hand, it is private and rules must be left up to those concerned. On the other hand, a private regulation cannot contradict a public law, because that would invite all sorts of abuse and attempts to circumvent the law. Thus private regulations must conform to the law, and any disputes must be transmitted to a legal and legitimate authority dealing with corrective justice, whose specific purpose is to regulate all litigation.

Constitutional justice is responsible for defining just institutions for a polity. They must be equitable and true, that is, reflecting the nature of justice, and conform to justice, and be good, that is, contributing to the production of good consequences, of peace and justice. We have shown that the ultimate common foundation for the truth and goodness of institutions is the distinction between what is arbitrary, undecidable and optional and what is decidable and indispensable. We also concluded that the decidable/ indispensable was a collection of rules of the game imposed on everybody.

A major characteristic of democracy immediately comes to mind. It fits this requirement of justice exactly. The distinction between particular and common interests, distributed respectively between the private and public spheres, rests on the same selection. From the viewpoint of man as a generic species, all particular interests are arbitrary, undecidable and optional.

This blunt statement needs explaining. From man's viewpoint, no end — remember, particular interests are implanted in ends — is arbitrary, because all ends are objective, nor are they undecidable, because they can be known rationally, nor are they optional, since ends are general solutions to the species' problems of survival. But according to such an interpretation, it is arbitrary, undecidable and optional to pursue or not to pursue such an end for the representatives of the species in a given culture. For example, religion is human, but nothing absolutely obliges any man to be religious, or to be Christian rather than Buddhist; the economic order is human, but nothing absolutely obliges any man to be a peasant rather than a banker or vice versa. The result is that in a democracy all that is arbitrary, undecidable and optional relates to the particular interest, and consequently, to the private sphere, and must be dealt with in this sphere by individuals, groups and market/agories.

Conversely, the public has the exclusive responsibility for common interests, which are indispensable since they are the conditions of possibility for particular interests. They are also decidable since they are singular interests present in each particular and isolable interest such as external security, prosperity, freedom, justice and peace.

The nature of democracy specifies the relationship between public and private. Logically, the private sphere has precedence over the public, because the public sphere as social space is set up only because agoric procedures do not permit the spontaneous realization of common singular interests: in a democracy and in all justice, only matters that the private sphere cannot successfully deal with should be referred to the public sphere. Ontologically, public takes precedence over private since the common interest is the condition of possibility for the particular interest. *The* resolution of the contradiction goes deeper and we shall consider it later. It stipulates that each citizen should place the common interest before his particular interest, which supposes that he is virtuous. Chronologically, of course, public and private spheres occur at the same time or else not at all, since they depend on each other. Once again this apparently innocent proposition goes much deeper and will help us to define the problem of the historical origins of democracy. The same congruence can be noted between constitutional and democratic justice regarding the public sphere's content or the concrete definition of the common interest. According to the analysis of justice, the most general possible points of application for institutional construction are external security, the definition of the rules of the game and the punishment of cheaters. These are clearly common interests since if the three objectives are not realized, no particular interest can be: citizens are then killed or reduced to slavery by an outside enemy, the law of the jungle triumphs and the most violent and cunning make the law for others.

The nature of democracy leads to the same conclusions. It stipulates that citizens as a body or their limited, temporary and reversible delegates give themselves laws or rules of the game, focusing on the distinction between the public and private spheres, on public institutions and the regulation of agories. Since the eighteenth century, this activity has

been called legislative power, but it would be better to call it the legislative function of the body politic. Citizens as a body or their delegates are responsible for applying the laws, ensuring external security, in a word, for doing everything to realize the common good. It is also more accurate to speak of the body politics' executive function rather than of its executive power. Finally, citizens as a body or their delegates are responsible for punishing offenders and settling litigations. Thus they ensure the body politics' judicial function rather than its judicial power.

By natural inference, we find a celebrated political distinction. According to our theory, it signals the emergence in political philosophy, in this case in Montesquieu's work, of an aspect of democratization, as the democratic contract emerged in certain Calvinist trends of the sixteenth century and especially in Hobbes's thought in the seventeenth century.

We find the same compatibility on the third and final point: the definition of institutions. Justice requires that institutions be good and true and that they be defined by those who are asked to respect them.

Democracy says the same thing. First, it says that only citizens as a body or their delegates chosen for this purpose have a constituent power, because they alone can decide what they will consent to obey. But citizens are not free to choose any institution at all. They must transcribe as faithfully as possible, in customary or written laws, the fundamental principles of democracy — its unwritten law. Since they are free, citizens have the capacity to carry out unfaithful transcriptions and even to pervert the unwritten law entirely. But they are not free to do it or free in doing it: they corrupt and pervert the institutions and themselves by doing so. Consequently, the constituents must be inspired by fundamental principles and make inquiries into historical experiences, so that the written law conforms as closely as possible to the unwritten law and is adapted to a people's historical genius. We shall examine its products in the next chapter.

Legal justice poses no difficult or delicate problem as far as its status is concerned. Justice requires that laws and customs be good and legal, that they respond to citizens' needs, that they aim towards peace and that they be enacted according to just legal procedures, themselves defined in a just legitimate constitutional framework.

Democracy says the same thing, but specifies two points. It stipulates that a distinction must be made between private regulations, established in groups and between individuals and groups, and public laws, imposed indiscriminately on a polity's citizens and the foreigners who are allowed to live among them. Private regulations must be left to the discretion and initiative of those concerned, so long as these laws transgress no positive public law and there exists a judicial authority that can act for those who judge these regulations unjust.

The second point underlined by democracy is the sanction of the law, the capacity conferred on it to require obedience and punish transgressors. This capacity can be attributed only by a public institution, that is, by citizens as a body or their delegates for doing this, since in a democracy only citizens can impose obedience on themselves and punish lawbreakers. The word 'sanction' comes from the Latin *sancire,* which has precisely the same technical meaning and has also given the word *sanctus*, 'saint'. Thus the law's sacred dimension in democracy is underlined. We have seen that democracy

attributes the share of authority, which belongs to any political power, precisely to the law.

The sanction of the law brings out the distinction between its substance, the specific problem it must resolve, and its form, the obligation and punishment attached to it. The distinction is conceptual, but it can also become functional. One can easily conceive — and the project would be in scrupulous conformity with democracy — that the law's substance, that is, a bill in due form, can be provided and worked out by private groups of jurists, whereas its form would have to be given by a public body of legislators. The advantage of separating the two complementary elements would be twofold: the substance would be wrought by processional jurists, probably more competent than elected legislators on the different criteria of competence, and it would be possible to introduce a competition between private groups to sharpen talents and give the written law more precision and a greater coherence with the existing body of laws.

Right

The maxim of right is established: 'Give each person his due'. As an initial approximation, we can say that granting each person his due refers to the particular interest, since each person's due is either his particular interest or the singular interests composing it. Particular interest means private interest and private interest points to the market/ agory. According to justice as well as democracy, the most general expression is pretty much as follows: right is a matter for the private sphere. As for its procedures and contents, it is up to the public sphere to guarantee the regularity of its procedures and respect for its content. If we go back to the distinction between the various kinds of justice making up the right, we obtain *a priori* the following distribution: contractual and distributive justices belong to the private sphere and the punitive and corrective justices to the public sphere. There is one way to specify all these deductions and unite indissolubly right and democracy, and that is to clarify the concept of the agory and find its possible connections to right.

What is an agory?

By nature and definition, an agory is a regulated social space, removed from violence and ruse, where at least supply and demand meet. Unfortunately, once again the vocabulary is inadequate. We introduced the neologism 'agory' to escape the pure economic connotation of the word 'market' and the possible accusation of economism. The word 'agory' comes from the Greek *agora*, whose root refers to speech and the exchange of speech, and means 'public place', in the sense that public assemblies are held there. The primary meaning, then, is political; the economic meaning is secondary and came later. The same is true for the Latin word/orum. In fact, we need a word that is not economic, political, religious or overly determined by an order, a neutral and general word. In short; we need 'agory'! And here 'supply' and 'demand' crop up, with their weighty economic dimension, albeit not exclusively so. One supplies and demands a whole mass of things: someone's hand in marriage, help, lessons, poems, affection, consolation, etc., not just goods and services. It is hoped that the reader will make the

effort to put into perspective the economic obsession that characterizes the present stage of human history.

The encounter of supply and demand can take on three very different configurations. In the first, both supply and demand are variable and the encounter is resolved in exchange. In the second, supply becomes fixed and demand remains variable, and this is resolved through sharing. In the third case, the situation is reversed. Supply becomes variable and the demand fixed which results in an exploration. Each configuration, grasped in its conceptual purity, can be specified as to its nature and intrinsic logic. It must be understood at this level of the analysis — the same used for examining the concepts of freedom, justice and power — that it is necessary to concentrate on the concept itself and the reality it contains, without thinking of either justice or democracy. They will be introduced later.

In an exchange, supply and demand vary in relation to each other and their reciprocal variations focus on the objects of the exchange. The configuration is more complicated than it seems, but its elements and their interactions can be rigorously specified. A first element is dual: there must be at least two objects supplied and demanded. Each object is supplied by one and demanded by the other. Each one is the focal point of a twofold and opposing attention. Thus the exchange is based on quadruple exchanges. If a single one of the four elements disappears, the exchange ceases. These four aspects accompany supply and demand as active principles: supply is also a demand, and demand a supply.

They are both variable, which implies that they are not determined, heteronomous or indifferent, because if they could receive by chance any value varying in all directions, an exchange could not take place. In positive terms, supply and demand must be free. Since only men can be free, one can legitimately speak of a supplier and a demander. Supply and demand are always incarnated in actors, individuals and groups. At that point, three simultaneous negotiations take place: in each of the two actors, between the demander and the supplier both of which roles each one fills, and between the two. These negotiations stop either when the two actors break off negotiations, or when the actors consider the objects equal and exchange them. We rediscover an already established truth: the exchange results in equalities and implies free actors.

Sharing is also more complex than it might seem. Supply is fixed, not absolutely but within every discrete portion of time. This discrete portion can become abstract when the variations in supply are not discrete but continuous. On the other hand, the supply is either an object given to be shared or this object plus the supplier who holds it. Let us look at the latter situation, which is more common and gives a better picture of the overall configuration. Demand always has a double aspect, an actor on the one hand and an objective demand on the other. The actor cannot be alone because then we would fall back into the preceding configuration of the exchange. In other words, sharing is an organic development of the exchange, which occurs when two demanders present themselves simultaneously to a supplier.

From that point, the situation goes something like this. The supplier seeks to obtain more than he is offering. He presents himself as a supplier in an exchange that, according to the exchange's logic, seeks to obtain more by ceding less. But he cannot give in to a unique demander, since that would not be sharing but an exchange. As for the demanders, they want the greatest share possible, without being able to take everything—in that case,

we would once again fall back from sharing into an exchange — or authorized to resort to violence or ruse. The only solution is that each one seeks to give something in exchange for the largest share possible: to give up less to obtain more. The demanders then start to offer bids to the supplier. Each demander negotiates with himself, to determine if what he is offering to give up is equal to what he is asking to receive in exchange and the supplier does the same thing with himself and with each of the demanders. The negotiations stop either by being broken off or when the shares are exactly proportional to the bidding and each share is exactly equal to what must be given up to obtain it. Each actor obtains equality, the demanders each get a share and the supplier receives the bidding for the sum of the shares.

Sharing is based on exchange and, like it; it can operate only with the aid of free actors. Of course, a supplier can share his supply with the demanders on his own initiative, but this hypothesis relates to a gift and falls outside our subject, which is the agory.

Exploration can be surprising in this context because up to now we have not been accustomed to incorporating it into the theory of agoric mechanisms. However, it has its place there. A fixed demand is a definite expectation of something. The point will be more easily grasped if we change vocabularies and posit that a fixed demand can always be defined as a problem to be solved, as a problem 'demanding' to be solved. Once again, the problem has a twofold aspect. One is its objective reality, the other is the subjective means of expression — the actor. Here again the two aspects can be separated for an indeterminate time, as long as a problem poses itself, without anyone succeeding in posing it to himself. The supply is the set of solutions put forward. Its variability has a particular sense. The problem has only one or a few good solutions which, in their objective justness, are not susceptible to variations. Variability results from the fact that the solutions proposed by the supplier are more or less good. It is their subjectivity, their capacity to find the truth and fall into error, in a word; it is their freedom that is the source of the solutions' variability.

If the good solution is found right away, the exploration stops immediately. But such an occurrence is improbable and rare. The exploration continues when bad solutions succeed one another, and go on as long as the good solutions do not replace the bad ones progressively or suddenly. If the exploration is to make sense, to have both a *raison d'etre* and an unwavering direction, a third character must be introduced: the selector, the one who designates bad solutions as bad and good ones as good, and who, by successive selections, causes the exploration to progress towards more and more just solutions, that is, solutions whose objectivity ends up by being the complement of the problem's objectivity.

Exploration brings together three actors: the demander, who expresses the problem; the supplier, who resolves it; and the selector, who labels the just and the false. Although the demander and supplier may often be the same actor at two different stages of his activity, it is difficult to be one's own selector. That job is more efficiently done by others, by the peer group agitated by the same problems and capable of judging different solutions.

Contractual justice and exchange

Their congruence is obvious since in analysing contractual justice we have demonstrated that the contract naturally focuses on equal exchange, as judged by free contracting parties/exchangers. An exchange is fair only if it is equal and takes place between free actors.

Democracy is suited to contractual justice by several of its characteristics. First of all, there is a general elective affinity between a regime that is itself by nature contractual and easily receives contractualist cognitive expressions and anything that is a contract. Less obvious is the favourable effect of the distinction between public and private. The things likely to be exchanged by actors are innumerable. Essentially, they are elements of the exchangers' particular interests. The occasions for exchange are permanent and it would be impossible to inventory their diversity. By letting particular interests meet freely in agories, democracy increases the probability that virtual exchange will be actualized, which can only make social commerce more intense — as long as the actors are free, which is what democracy guarantees its citizens, since they are politically free to express all the facets of their human freedom. Citizens are free in a democratic polity, but that does not mean that democratic societies cannot contain the unfree, slaves, or the less or scarcely free, minorities socially stratified in a low status. If this situation continues, it means that democratization has not yet been achieved.

Therefore, the public and the private spheres intervene, one by guaranteeing the actors' freedom, the other by giving them repeated occasions for exchange. They also collaborate in the realization of contractual justice in another way. The private sphere's content is what is appropriated by the actors as private citizens. It is the whole of their property, not only material but psychological, physical, moral and intellectual. It is everything that individual and collective actors can designate as being theirs. But they can be assured of them only if these properties are protected from violence and ruse, that is, if they are guaranteed by law. Property rights distributed between private actors and guaranteed by public institutions are the best suited for leading to honest contracts and fair exchange; hence each actor is careful to protect his 'due'. Since each actor develops the same concern, the chances increase that each one will indeed 'receive his due'.

Finally, democracy contributes to contractual justice again by its public dimension, by striving towards the elimination of violence and ruse from the markets where contracts are made, and by guaranteeing respect for the appeals that victims of violations can make. It should be added that the virtues required of citizens in a democracy reinforce the chances that the expression *'pacta sunt servanda'* will be spontaneously respected by the contracting parries.

Distributive justice and sharing

Their affinities are obvious, since distributive justice focuses on the fair sharing of power, prestige and wealth. It is easy to show democracy's suitability to the criteria of justice that apply to each.

We have already discussed the indispensable elements of power. Each of its three forms proposes a univocal criterion of sharing, that is what to obtain a share, each applicant must give in exchange. Might rests on violence. The greater the violence, the greater the force and the greater the obedience, because the victims are afraid. What can

exchange consist of in this case? Violence against might/ power no doubt, but what about obedience, whose complement is power? It is given in exchange for the obeyer's life. Each mighty individual obtains a share proportional to the violence he can develop, and exchanges power for the survival of the obeyers who entrust it to him; each obeyer consents to obedience based on fear, each time his obedience is equal to his fear and proportional to the threat's intensity. We are well into the logic of might. It is not a nest of subtleties for philosophers. It gives sociologists and historian's useful tools for analysing and explaining tyrannies and ideocracies.

It is clear that democracy is not concerned except on one decisive point. In a democracy, and this is probably its primary rule, the use of violence is always illegitimate, except against external enemies and domestic criminals. This is why violence is never shared. It is held collectively by all the citizens as a body. They can be constrained to delegate its use in a limited, temporary and reversible way. The danger of the expression defining, following Max Weber for example, political power as the one having the monopoly on the legitimate use of violence should be stressed. It might be true as long as 'political power' is understood to mean the citizens who are its seat and not their delegates. The status of violence in democracy imposes an unusual psychological constraint on citizens, since they must renounce it entirely as private actors but, if necessary, use it resolutely as citizens.

Authority proposes the criterion of merit, which sends us back to the sharing of prestige. Only leadership remains. Its specific criterion is competence. This is what the analysis of the fair distribution of power reveals to us. This is what confirms that of power in a democracy. We have just specified the status of might. We have previously shown that authority is invested in laws. There remains leadership, from which democracy draws exclusive rules for sharing power:

• Positions of power are defined exclusively by the constraints of the collective activity; this can be expressed more directly by saying that all power is in the service of citizens.

• The unique criterion for attributing positions of power is the delegates' competence.

• Only obeyers are fit to judge the competence of candidates for these positions.

• Each citizen can aspire to a position of power. We can summarize these rules in three concise propositions: every citizen can become a candidate; the citizens choose from among the candidates; these rules apply in both the private and public spheres. The third proposition is perhaps the most important, because it obliges democrats to invent democratic procedures in all the orders. In the political order, the invention results in the principle of free candidacies and elections; in the economic order, in the principle of the freedom to undertake new ventures whose verdict will be imposed by clients; and in the religious order, in the principle of the freedom of revelation and the believers' free adhesion.

The criterion of justice for the sharing of prestige is merit, that is, the capacity to approach more or less closely an end recognized by admirers. This is certainly the situation conforming to the principles of democracy, but it is infinitely diversified. The freedoms of opinion, expression, association and initiatives, and all those freedoms analytically contained in the concept of the citizen, mean that all ends, in all their

authentic or more or less adulterated interpretations, can and will be pursued sooner or later, most of them in the private sphere. Each actor is politically free to seek to realize ends according to his capacities. Since capacities are unequal — talents are innate, acquired or both — hierarchies of accomplishments are spontaneously formed. Hierarchies are always acknowledged by those who are sensitive to the end from which each hierarchy emanates. Those who are sensitive to the end admire in proportion to each actor's accomplishment and distribute merit with their admiration.

What is exchanged in sharing? In the sharing of leadership, the obeyers give up their obedience, which is transformed into equal power for the leaders, and receive as compensation the successes of collective activities made possible by the leaders' competence. In prestige, the prestigious receive admiration and give the admirers the feeling of being lifted above themselves, because by admiring merit one draws closer to ends. The status of prestige in a democracy has two consequences. First, there is an infinite multiplication of circles of admirers and admired and hierarchies, whose most striking contemporary illustration is the proliferation of 'stars'. The risk is the diminishment of ends, a relativization of hierarchies whose multiplication induces a kind of inflation, and we know that 'bad money chases away the good' and reinforcement for a perversion we denounced earlier: everything is valuable, therefore nothing is. But a second consequence comes along to correct this deviation, so dangerous for humanity's good name. The ends are in fact objectives. Citizens can be mistaken about them, take illusions or absurdities for ends, attribute merit indiscriminately, be incapable of giving priority to certain ends — admire equally the acrobat or the scholar—but all these faults are corrected by the objectivity of ends and, on rebounding, by their actualization, which over time imposes a selection between real merits and usurped ones, and no longer places Einstein and Houdini on the same level. Thus, the sharing of prestige is prolonged into exploration over generations.

In the sharing of wealth, the role of bidding is particularly visible. Remember that justice requires that each actor be rich or poor in proportion to his contribution to the production of wealth. The same conclusion must be drawn from democracy. The reasoning is implacable and irrefutable. Wealth is not given but must be produced. It is not free, it has a cost. To share in it, each actor must offer something in exchange, something whose value will be equal to the share's value. Values are defined as equal or not after negotiations between suppliers and demanders. Price is the value negotiated by free exchangers. To have something to offer in exchange for a share, one must have earned something in a preceding cycle, since nothing is free and theft a transgression of the fundamental democratic right of property: 'to earn' is a verb for designating the conclusion of an exchange. The capacities for bidding are proportional to the earnings and the shares received proportional to the bidding. Since each one is enriched by his previous earnings, each one receives in proportion to his contribution to the production of wealth.

Possible contributions are arranged in several general categories or 'production factors': labour, capital, raw materials, techniques, soil, initiatives. Each factor has a price, because it is exchanged on the market: each factor's contribution is its market price. Only initiative receives its price after the product has been offered on the market, and it is the profit earned on the competitive market. This rigorous linking supposes democracy and is based on market mechanisms, in this case, the economic market.

But the model must not be confused with reality. In a pure and perfect democratic model, the distribution of wealth would be more or less unequal, but always rigorously fair. The further a historical democracy is from the model, the more numerous and profound the injustices. But it would be a fatal illusion to want to favour justice by leaving democracy. Hierocratic solutions and still more autocratic ones are always worse, because they favour the proliferation of parasites, of those who share in the wealth without having participated in its production.

Punitive and corrective justice and exploration

In both forms of justice a problem arises whose solution must be sought. This leads us straight to the hypothesis of exploration. The problem posed to punitive justice arises from the recognized transgression of a positive law. Who is guilty? What is the just punishment for the guilty party? In corrective justice, the problem is posed by an actor who contests the legitimacy or legality of a law or who believes himself to be a victim of an injustice in a sharing, an exchange, a punishment or the solution of a previous litigation. In the two situations, the solutions are not obvious and given at the start, but can possibly be found at the end.

The solutions proposed by democracy for crimes and offences conform exactly to the requirements for punitive justice. They are based on respect for several rules: no punishment can be envisaged unless a law has been stated in legal forms prior to all recorded transgression. Or, more briefly, there is no transgression without a transgressable law. Nobody can be punished for a crime or offence, if he has not been duly convicted of it. Nobody can be punished by a disproportionate sentence. Only citizens as a body or their delegates can punish a known transgressor. The first two rules are obvious and warrant no more comment. The third is more subtle. It is rooted in the democratic hypothesis that citizens are clever calculators: punishments must nullify the gains citizens expect from cheating and dissuade them. Thus the root of punishment is the form of the law, which imposes punishment on those who do not respect it, and the root of penalties is dissuasion. The fourth rule is just as obvious, but it must be stressed that it includes punitive justice in the public sphere.

As for procedures for encouraging respect for these rules and their implementation, they are the same as those of punitive justice: a court, where contradictory debates are used by the prosecution and the defence in the presence of a judge who will decide from them guilt or innocence, weigh the just penalty and compensate the victim, if need be- The judge (or a jury) ensures a public function and exercises power. Therefore, he must be delegated by citizens. The best methods of delegation are open to question. The worst method is nomination by ‘executive’ or ‘legislative’ function, because the judge’s independence is compromised. Election risks developing into an unleashing of passions and the intrusion of special-interest groups. The best method is probably a drawing of lots, if not from the universal body of citizens, at least from a pool of competent judges, and mixing co-optation with fate, in cases where this would increase the chances of independence and competence.

The solution is the same for litigation, but it can remain entirely private. In fact, each party believes that it is in the right, which makes litigation a matter for particular interests and agoric producers. Litigation can be settled by direct negotiations between parties. It is

less a question of achieving equalities than of finding a just solution to a problem. Negotiations are more like dialectical and rhetorical arguments in the Aristotelian sense of these expressions. Inventing a solution is facilitated if the argument takes place before a mediator or arbitrator. In principle, anyone who is accepted as such by the negotiating parties can play this role. In a pure democracy, corrective justice would be imposed by private proceedings. The *jures prudentes* of the Roman Republic are probably its best historical illustration. Innumerable and equally convincing examples can be found in the tribal world.

Exploration as the procedure for inventing solutions to problems brings us back to constitutional and legal justice. The two are born from problems and nourished by their solutions. Legal justice must produce laws useful to the common good and conforming to constitutional rules: there can be as many laws as there are problems posed. Constitutional justice is responsible for giving a polity legitimate institutions, for transcribing democracy's unwritten laws into written laws. Let us now look at how modernity has resolved this problem by exploring solutions.

6
MODERN PUBLIC INSTITUTIONS

We shall show in Chapter 8 that democracy is neither a modern discovery nor a Greek invention, but that it was founded by no one and everyone and has been encountered in the most varied morphological and cultural milieu, since the dawn of humanity. It is nonetheless true, however, that the process of democratization undertaken in Europe in the sixteenth century — the United Provinces' war of independence from Spain can be considered its first outstanding symptom — has been expressed by a reinvention of democracy. This reinvention provoked the emergence of numerous phenomena, some relating to knowing — political philosophy and ideologies — but also, in a Europe that had invented science at the beginning of the seventeenth century, the phenomena of economics, political science and history; others related to acting: all the movements, strategies and tactics placed, more or less deliberately, at the service of the construction of a new political order, and by diffusion and repercussion, of the profound reorganization of all the orders; and finally, it provoked the emergence of the phenomena of making: the organizations and institutions that have given modernity its form.

Among the institutions, those public ones perfected in Europe and the United States between the seventeenth and twentieth centuries stand out all the more vividly because they have determined the stability and effectiveness of democracies. Furthermore, since the eighteenth century at least, they have been the subject of a special instruction, public law. These institutions can be interpreted in at least two ways, either rationally, according to which they are the universal truth of democracy, or from the historist viewpoint, according to which they are only historical singularities, perhaps adapted to Europe and the West, but hardly capable of being universalized.

We propose a different interpretation, conforming more closely to the theory of this survey. First, modern political institutions are adapted to modernity even though it is true that contingent circumstances caused them to emerge in Europe and the United States. Second, they can be universalized in the context of modernity, that is, every polity in the

process of modernization and democratization can be inspired by these examples. But modernity is not the ultimate stage of humanity or democracy. Men will always be able to invent new institutions adapted to new environments.

We must make our position still more precise on one decisive point. By basing our construction on a conception of the human species that sees it as free, end-oriented and calculating, we can explain in one motion the truth of democracy and the errors it can make.

The theory's capacity to explain opposites allows us to propose arguments for classifying modern institutions invented in different polities on the basis of their more or less strong dose of democratic authenticity. In this chapter, we shall adopt the critical viewpoint and refer the reader to treatises and handbooks of public law and the history of public institutions for a historical viewpoint.

We cannot deal with everything, but shall touch on the essential by looking at four fundamental institutional problems that democracies have to resolve today, in the light of Western experiences: the structure of the polity, the institution of the executive function, electoral systems and the independence of the judiciary function.

The structure of the polity

To reach conclusions as distinct as possible, we shall examine only two extreme possibilities, the unitary and federal structures. In fact, this simplification is realistic, because historical polities do tend towards one pole or the other, more or less in one direction or the other, but never, it would seem, towards a third or fourth pole simply because they do not exist. The unitary pole's ideal is a polity whose public space is homogeneous, isotopic and focused, meaning that every instruction emanating from the centre is diffused without hindrance and applied as it is at any point whatsoever in that space. Reciprocally, every peripheral public point has identical access and equal ties to the centre.

Note that I say 'public' space, because in a unitary polity the private can be divided into an infinite number of heterogeneous spaces; thus as private members of society, a polity's citizens can have backgrounds, religions, cultures, mores, social standings, etc., as heterogeneous as one could imagine, but as citizens, they should be as united and identical as possible. This separation between public and private in each individual is conceivable and probably bearable, but it should be emphasized that it is in direct contradiction with another modern emergence, not wholly alien to democratization: the morphology of the nation, one of whose striking characteristics is the requirement of multilateral homogeneity of nation, history, language, religion, culture, etc., and the ambition to transform individuals into the cells of an integrated organism.

The federal structure is based on the interlocking of several levels of more or less heterogeneous sub-units, which brings about the anisotropy of the public space and the multiplication of centres, placed in a hierarchy subordinate to a common centre.

The concept of the polity does not allow *a priori* for choosing between one or the other structure. Towards the exterior, the polity is responsible for ensuring citizens' security on the trans-political scene, where conflict can always degenerate into war. Towards the interior, the polity's end is peace through justice and it aims at this by

defining the rules of the game, punishing cheaters, ensuring each person his due and striving to resolve as best it can all the problems perceived as in the common interest and as needing to be resolved in common — infrastructures, currency, education, the smoothing out of economic fluctuations, mutual aid, etc. The choice of the polity's structure is a purely technical question of suitability. It must consider the polity's defined objectives and the morphological, economic and trans-political context.

Responses can vary widely depending on the context. In modernity, this context is marked by large populations and their movements, the complexity and overlapping of economic affairs, the increase in cultural heterogeneity, and so forth. In this particular context, the answer is never in doubt: democracy must prefer the federal structure. It is true that for external matters, the unitary structure facilitates the mobilization of military resources and maximizes efficiency, but excessive centralization can compromise the adaptability required on the permanently changing trans-political scene.

Towards the interior, the federal structure can develop three and even four advantages that should cause it to prevail. It is more efficient, because modernity has so complicated matters that it becomes increasingly improbable that a unique centre can untangle them to citizens' satisfaction. These matters are more easily regulated by approaching the terrain where they occur, because it is one that the interested parties and leaders have a better chance of knowing. The federal system also favours the democratic control of the leaders by the led, in bringing delegates as close as possible to those who delegated them.

It also encourages dedication, because it is easier for citizens to devote themselves to the common good when it touches them personally and when reduced numbers make it less possible to count on somebody else's dedication. The federal structure's final advantage can be seen when the polity's population makes itself culturally, ethnically and religiously heterogeneous, when it becomes urgent to assure the cohesion of the whole and to protect minorities.

The federal structure is manifestly more compatible with democracy, at least in the modern context. Actually, this restriction is superfluous: we could show that affinities between democracy and federation are universal while those between the unitary structure and democracy are circumstantial. Compatibility and affinity require the respect of two essential principles. The first is known by the unfortunate but widely used term, 'principle of subsidiarity'. It stipulates that by priority every problem of common interest must always be resolved at the most local level possible and the one closest to the citizens assembled in real collectivities. By implication, problems are taken to higher authorities only if there is no other solution.

The second principle is neither stated nor named: we shall call it the 'principle of immediacy'. Just as important as the first one, it requires that every citizen be directly connected to each level of the federal structure, that he delegate its leaders directly, that he directly supply its coffers with his taxes, etc., and that one level should never receive its substance by an abandonment of the inferior level. The principle is essential because, if it is not respected, the polity risks not being a polity at all but a more or less disconnected or cohesive league of quasi-polities. They receive or preserve the right to block and be a nuisance, which can only compromise domestic peace and external security. An example was Switzerland before 1848, when it was only a confederation and the Sonderbund war had not yet pushed it into a federal system.

Might it be possible to deduce the ideal number of levels for a federation? Yes, by introducing three considerations. The proliferation of levels is discouraged by arguments of efficiency and cost. Effectiveness is jeopardized by the great risks of intrusions from conflicting authorities and possible redundancies. As for cost, nothing is free, especially not the organs responsible for the common interest because, being able to plead the common interest and obliged by the nature of the public budget to define the expenses before asking for the revenue, they have an irresistible tendency to excess and waste. The two considerations advise no more than four or five federal levels.

Towards the bottom, an imparable structural consideration argues against an excessive reduction of levels. A single level is obviously excluded, since the federation would then be reduced to a unitary structure. What about two levels? Either the federal structure would reunite a sprinkling of small sub-units and eventually the centre's supremacy would be irresistible and result in a unitary structure, or else the federal level would co-ordinate a few large sub-units and the centre would fall victim of the requirement of unanimity and of each sub-unit's blocking power. At that point it would inevitably fall into a confederate structure which would take it out of the political structure itself, and it would run the risk of purely and simply breaking apart. Therefore, fewer than four or five levels and more than two mean that three or four federal echelons appear to be the optimum.

Many regrettable confusions reign in this domain. One of the most frequent is between the polity's structure and the distinction between the public and the private spheres, so vital to democracy. Remember that the distinction matches exactly that between the common and particular interest and that between the markets/agories that transmute particular interests into mean interests and the deliberated strategies developed by politicians for realizing the common good. We can find four combinations, of which two are illegitimate and signal the corruption of democracy, indeed its perversion. The unitary structure can combine private and public in accordance with democracy's requirements, just as the federal structure can. Conversely, in the federal structure, the public sphere can invade the private sphere and vice versa at all levels or just at certain levels, just as the two spheres can be confused in the unitary structure. This is why, when a unitary polity afflicted by a presumptuous public sphere seeks to correct itself, 'decentralization' must not be confused with 'privatization'.

If we had time to examine the real structures of European and Western polities, we would observe the greatest diversity, entirely explicable by the polities' respective histories and the structure of trans-political systems that have united them. At the two poles of possibilities, we find France as an almost pure example of a unitary structure. This can no doubt be attributed, on the one hand, to the polity's historical accretion around a unique dynasty placed in a strategic position and, on the other, to the polity's centrality in the trans-political system until 1940, when the necessity arose of concentrating military force as much as possible. At the other pole stands Switzerland as an example of a federal structure. The other polities occupy more intermediate positions, some like the United Kingdom (England is as unitary as France), Ireland, Portugal, the Scandinavian countries and present-day Austria lean more or less resolutely in the unitary direction; others approach more or less resolutely the federal pole, explicitly or tending towards it. They are the United States, Canada, Australia and Germany, which are

instituted federations, and Spain and Italy, which would probably profit from becoming so.

Adopting a different perspective for grasping more recent evolutions, we can note two successive tendencies in the twentieth century. For several decades Western polities had a tendency to evolve towards the unitary pole, under combined trans-political constraints and wars and the public sphere's excessive expansion, and under pretext of better economic management and equitable redistribution. For about ten years now, there have been signs of a possible reversal towards the federal structure, because beyond a certain threshold, the unitary tendency makes the argument increasingly convincing that its federal antagonist is democracy's natural complement, because of its greater efficiency, control, dedication and pluralism.

The institution of the executive function

As we have seen, the three 'powers' or 'functions' are inscribed in the nature of a democratic regime. Each function has particular affinities with one of the modes of human activity. The executive function falls under the heading of acting, which implies certain constraints: unicity of decision and commandment, mobilization of resources, improvisation in the face of constant obstacles, actions and reactions, etc. The legislative function defines the rules of the game, which must be adequate, useful, concise and elegant. Thus, it can be placed under the heading of making, whose specific role is to inform a matter or materialize a form. Finally, the judicial function is above all founded on knowing, since it must discover and define what is just.

The 'separation of functions' is an elementary precaution against tyrannical corruption. In fact, the only serious risk is a legislative and judicial domination by the executive. Once leaders can legislate without being controlled, and impose their wills on judges, democracy is to say the least dying. The legislative cannot easily dominate the executive. At least, there is no historical example of this having happened. On the other hand, it can hinder the executive's action by imposing badly conceived rules on it. In practice, the legislative and executive collaborate, because the team temporarily in charge of the common interest needs legislation to support it and, reciprocally, it is hard to imagine how the legislator legislates without taking account of the executive programme.

This amounts to saying that political effectiveness advises having the same majority in the executive and legislative functions. Guarantees of freedom must be sought elsewhere than in an illusory separation of the two. As for the judiciary, it is almost always the most sensitive to the excesses of the two other functions, which obliges it to seek particular formulae for protecting its independence.

By nature and definition, the executive has the responsibility for realizing the common good as much as it can. This requires effectiveness. The formal conditions are the same in all orders, the conditions for successful acting in general. The executive must be able to decide, that is, to choose a strategy or a coherent set of strategies, and to stick to its choice. It must be able to gather the material and human means needed by those strategies to attain their objectives, to endure without risk of losing power at any moment and to ensure the continuity of efforts.

Effectiveness is not the only requirement imposed on the executive. It must also ensure the stability, not immobility but the continuity, of institutions. Political stability signifies legal transmission, without constitutional rupture, of political power from administration to administration, and especially the transmission of power to the opposition. Stability cannot be provided by the fairness of institutions alone, because they, too, need stability. Stability results from the subtle combination of good institutions, traditions of moderation and respect for the opposition, and from virtues of tolerance from political leaders. One cannot decide on stability, at most one can minimize the risks of instability. Only time will tell if a polity has found the right combination. This is why the first serious test of stability comes with the opposition's first electoral victory. Until then, a dominant party can stay in power and distinguish itself from an authoritarian regime only by constitutional appearances.

How can the executive and legislative be instituted so as to provide the greatest chances for both effectiveness and stability? Over the centuries, a remarkably limited number of solutions have emerged in Western experiences. One is the assembly regime, where the executive and the legislative are merged in the same body. It is an assembly elected by citizens according to various procedures. The historical model of this would be the Convention that existed in France from 1792 to 1795. That model suffices to condemn this solution as an antechamber for tyranny. The confusion of the two functions suppresses all possible control, except that of the mob, and this is not the best way to bring about peace and justice. The constraints of acting impose mechanisms of substitution and representation on the assembly, first in the form of commissions or committees issuing from it, and then from commissioners issuing from the commissions. Since each substituted level considers itself a legitimate substitute for the sovereign people, and this sovereign is supposedly able to decide everything and use any means at all for implementing decisions, the way is open for the Comite de Salut Public, and the first successful experience of modern ideocracy. Therefore, this solution does not work and has been abandoned everywhere.

There is also the cabinet regime. Here the executive results from negotiations between the legislative selected members who agree to form a government and assure it a majority in the assembly. By this very fact, the assembly has the power to oust the executive at any time, but the executive has no power to dissolve the assembly. The solution is a poor response to democratic criteria. Effectiveness is compromised by the fragility of coalitions and stability by the nuisance power of minorities, since, in certain cases, one voice is enough to change the majority. Ineffectiveness and instability can be minimized and even cancelled out in small countries where political passions are weak, political combinations are almost interchangeable, civil society is lively, active and able to manage particular interests or where exiguity is expressed by a broad opening towards the exterior and the obligation to respect healthy exterior constraints. But all these correctives are purely contingent and do not rid the solution of its intrinsic faults.

The presidential regime institutionally separates the legislative and the executive, which are elected separately by citizens, either directly or indirectly. The solution would not be as much in favour today had it not been adopted in the United States. Here again contingent circumstances — of which the two principal ones seem to be the place occupied by civil society and the weak partisan adhesion of the legislators — can explain why serious faults in the solution were masked.

The effectiveness is jeopardized if the two functions are carried out by two different parties or majorities who have little inclination to compromise or if, more generally, they clash over something else. By this very fact, stability is also jeopardized, because, to impose itself in spite of all, the executive is tempted to bypass the legislative and vice versa, not by infringing on constitutional roles, but by an imbalance in the respective weights that has become customary. Worse still, a presidential regime can very easily be developed in such a way that, in practice, it is hardly distinguishable from an authoritarian regime with a democratic facade.

There remains the parliamentary regime, perfected in England since 1689. Its principle is simple: the parliamentary majority provides the executive, or the leader of the majority party in parliament is by that fact head of the executive. The solution guarantees effectiveness because the government, having a majority, can govern. The fortunate consequence supposes that two conditions are met. Parliament must be able to bring down the government by a majority in the assembly or within the majority itself, and replace it with a new team, so as to exercise sufficient control and pressure to ensure the government's effectiveness. Conversely, the executive must have the power to dissolve parliament, so as to impose loyalty and discipline on the majority. Thus, the executive and the legislative work together to avoid excesses and an effective collaboration is encouraged. The parliamentary regime also guarantees stability. At any election, a minority can become a majority in parliament and take over the reins of government without the least legal rupture if, at least, the democratic political mores are well rooted. The changeover from one majority to another can then be considered as normal and even advantageous, because it is true that power corrupts. Besides, the minority is there to watch over the majority, to criticize it and to alert citizens in case of abuse.

The conclusion is unequivocal: the parliamentary regime as practised in the United Kingdom responds best to the democratic requirements of effectiveness and stability. Incidentally, this historical example gives us the opportunity to underline the anecdotal and contingent character of the distinction between 'republic' and 'monarchy'. A democracy can be symbolized by a hereditary monarchy, incarnating the unity and continuity of the polity as such, so long as it derives no directive, or still less might, from its authority. It can be argued that in Europe, after 1,000 years, the 'parliamentary monarchy' has been the normal result of the democratization of *anciens regimes,* and that where republics prevailed — in France, Germany, Austria and Italy — the dynasty was disqualified by a historical accident.

The parliamentary regime, whether monarchic or republican, is the best solution. But the solution can be effective only if parliament is composed of an equally solid majority and minority. To fulfil this secondary condition, we must refer to electoral procedures and the party regimes they determine.

Electoral systems

By a strange myopia, their role tends to be neglected or reduced to a matter of circumstantial convenience. However, this role is essential, because the party regime depends on it. Parties are vital for political democracy, because citizens delegate to them the responsibility for proposing interpretations of the common good, for transforming these interpretations into programmes of action, for furnishing one team capable of acting

effectively in this sense, and another one for watching and controlling the first one. The plural is essential here, that is, parties. A regime with a single party is not a democratic regime, and it becomes questionably so with a dominant party that is perpetually in power. Parties are definitely needed, but the plural begins with two and extends to infinity. The parliamentary system functions best with two parties, because the duel maximizes its virtues of effectiveness and stability. This advantage must be kept in mind when examining electoral systems.

Once again, we can study the problem by considering a polar opposition between two extreme procedures. All others are simply their variations and can be ignored here. One pole is occupied by election oh a majority basis, where the candidate or list of candidates ahead in a specific constituency is declared as elected, regardless of how small the lead in number of votes over the runner-up or the percentage of registered voters in the population or the number of ballots cast. The other pole proposes a system of proportional representation, which distributes seats among the parties in proportion to the votes obtained.

Let us reject from the start an argument that is actually off the subject: this is not a matter of distributive justice, but a technical problem of selecting an executive and legislative team, able to work effectively and with stability. Neither is it that a matter of ‘citizen representation’ nor, an attenuated form of perversion of democracy, an opinion poll. ‘Representativeness’ is a notion almost as suspect as that of ‘representation’.

A democracy concerned with effectiveness and stability has no choice: it must adopt the system for electing on a majority basis. To prove this, it is enough to consider the mechanical consequences of each system.

The method of proportional ballot guarantees all parties some chance of having at least one elected member, because of the diversity of opinions among voters. Thus every ambitious person has an interest in founding a party. He can profit from the hope of winning and, moreover, find himself in the position to arbitrate in favour of a particular coalition. The consequence is a multiplication of parties. The plurality of parties makes the emergence of a majority party at each election improbable and purely contingent. The absence of a majority leads in turn to unavoidable consequences. The least serious is not that it imposes, by force of circumstances, a cabinet system whose bargaining among party leaders after elections entirely escapes citizens’ control; but even more serious is the exorbitant power of obstruction and nuisance that is given to minorities, who can extend this power as far as the unique delegate. In the event of a serious crisis, antidemocratic ideologies, which always succeed in getting somebody elected, can benefit from the momentary inflation of their votes, whose transcription in terms of seats can grant them a dangerous credibility and make them appear as alternative solutions or outlets. Unnatural alliances of democrats and antidemocrats can occur, simply to obtain, or prevent a majority, which is appalling and unhealthy. Finally, when parties are so numerous, they want to distinguish themselves from each other in the citizens’ eyes, and hence they accentuate or deepen ideological divisions, either artificially, which can only reinforce citizens’ scepticism regarding political discourse, or through conviction, which does not favour a climate of goodwill among citizens.

Election on a majority basis has quite different effects. It encourages casting the net wide, by opening the ideological range, because a candidate needs at least one more vote

than the others to be elected. Since each candidate makes the same calculation, the common calculation leads to the emergence of only two parties, because a third one has no chance. Each of the two parties is consequently a coalition of diverse opinions, which obliges them to propose a mixed and moderate programme. Furthermore, each party campaigns at the centre, because it can consider the wings as 'captive' voters, since there is little risk that they will vote for the adversary. It is the undecided who will tip the balance. Hence, there is only a weak or non-existent risk of deep ideological division and extremist deviation, because the undecided are not very responsive to ideology and every deviation loses elections. The extremist or antidemocratic parties have no chance of forcing open parliament's doors. They are marginalized and confined to the status of sects, leaving them with a choice between impotence or taking power by force, almost impossible to do in a democracy (see Chapter 10). In a crisis, the party in power loses the election to the opposition. By the time *the* winners have in him shown their powerlessness, the crisis is most likely to have sorted itself out. At worst, in emergency situations, a coalition of 'national salvation' remains the ultimate recourse. Finally, and this is no small advantage, elections on a majority basis increase the majorities — ultimately, a party could win all the seats by having only a majority of one in each constituency — which would allow the government to have a solid majority for governing if, of course, the system is parliamentary.

The conclusion is obvious: in the modern context, the democratic regime requires institutions from the parliamentary, monarchical or republican regime, based on elections decided by the majority in one round. This system of voting offers an optimum: every solution moving away from it moves away from the optimum and is expressed by an increase in ineffectiveness and instability. Even in a polity that is heterogeneous from all points of view, election on the basis of majority vote must be preferable, if need be by making it multi-nominal and defining the constituencies so that no party has interest in or possibility of identifying itself with a particular segment of the electorate, whether it be tribal, ethnic, religious, sexual or cultural.

Nothing is perfect, it is the price to be paid for man's fall, which cannot be overlooked in any domain. Election by majority vote can lead to the emergence of two indiscernible parties and produce apathy among citizens. This, hi turn, could encourage politicians to divide up the spoils of power.

The independence of the judicial function

This is essential in a democracy, because if the holders of a power, and still worse those who receive delegation of political power, are placed in the position of being able to use it when problems of justice arise, democracy will not survive. Its agoric mechanisms of exchange, sharing and exploration will become jammed, and the sentences issuing from it will inevitably become perverted. But, it will be said, granting justice jurisdiction over every right is to extend its power beyond all plausibility and good sense. That is true: distributive justice does not concern it, unless it is flouted by illegal transgressions, which alert punitive justice, or unless it gives rise to litigations, which are evoked by corrective justice. But this diminishment of the responsibility on one side is more than compensated for by the logical and conceptual necessity of having the law itself fall under the judicial function's authority. And this happens in the following way.

The common (and justified) ambition of modern democracies is to become states ruled by the law. It has meaning only if by law one understands ‘just law’ and not merely ‘legal law’, otherwise all states would be ruled by the law, since all regimes, even the most monstrous, legislate, and even legislate according to certain procedural norms.

This requirement for the justness of laws has three connected conditions:

• First, there must be a means of constructing a non-arbitrary viewpoint, making it possible to judge the fairness of laws objectively, independently of legislators’ perceptions. We have called this viewpoint the ‘unwritten law’, and have set it on the solid foundation of peace and justice as political ends and democracy as the regime appropriate for reaching these ends. Secondly, the unwritten law must be transcribed into ‘written laws’ — customs or written laws in the strict sense — and this transcription must be done by respecting legal forms and in strict conformity to the spirit of the unwritten law. In their modern expression, these conditions give a ‘Declaration of Rights’, which is nothing other than the reasoned list of freedoms (of opinion, speech, association, religion, suffrage, procreation, etc.) analytically contained in the concept of citizen, itself defined by the concept of democracy. Another condition is a ‘Constitution’ (almost always written today; that of the United Kingdom is an exception), which transcribes what we have called constitutional justice, that is, the democratic regime’s most fundamental rules of the game. The last condition is laws that transcribe legal justice and touch on more circumstantial questions of common interest. Finally, the constitutional transcriptions must be legitimate, that is in conformity with the nature of democracy; they cannot be called legal since they themselves are the foundation of legality. The control of legitimacy is the responsibility of constituents from the moment they institute a polity, and of any citizen at all, who can always denounce an illegitimacy and launch a movement to change the constitution according to legal procedures. The transcription of circumstantial laws must be legitimate and legal: their legitimacy falls once again within each citizen’s jurisdiction, since democracy has vested him with a kind of judicial function that fits him for conducting an investigation before public opinion of any proceeding concerning political legitimacy, but their legality raises a problem of ‘control of constitutionality’ that cannot be entrusted to the legislator, because he would be both judge and defendant.

Therefore, the modern democratic constitution and legal construction allows for litigations focusing very precisely on the legality of laws, on their respect for the ‘Declaration of Rights’ and the ‘Constitution’, both of which are, in principle at least, legitimate transcriptions of the unwritten law of democracy. Litigations naturally entail corrective justice. Thus, not only the whole right, directly or indirectly by the transgressions and litigations it experiences, but also every law falls within the scope of the judicial function. For this reason, the judiciary’s independence is absolutely vital.

These brief remarks should suffice to explain why democracies, and not only contemporary democracies, have so constantly called on the judiciary and have been obsessed by legal proceedings’. It is quite simply that men are conflictual by nature and seek to resolve their conflicts peacefully and justly. We have never left the context of the blueprint defined at the start.

The judicial function’s independence is essential. How can it be ensured? We can offer a few elements of response drawn from our analyses and conforming to the spirit of

democracy. A first maxim could be to keep private all proceedings of justice that can be kept so. It is always possible and useful for democracy to let private groups deal with their own internal disputes, that is, all the litigation that can arise either from the application of their internal regulations or from external transactions conducted with individuals and groups. Contractual justice can for the most part be handed over to the private sphere, in the form of proceedings created, shaped and led by the concerned actors themselves. For example, the French *tribunaux de commerce* responsible for settling disputes between economic agents in regard to respect of contracts.

Distributive justice can and must remain entirely private and entrusted to spontaneous agoric regulations. Corrective justice, as we have seen, can also prosper in the private sphere and settle numerous private litigations between private actors. Legal justice and even constitutional justice can be privatized! But only on one point alone, as has already been mentioned: the law's substance, not its form, which is public by essence, since it includes obligation and punishment. The substance of laws, as we have said, could profitably be entrusted to competing private research groups composed of jurists. For a long time already, constitutions have been subjected to the close attention of private constitutional experts, consulted occasionally as such by constituents.

The privatization of the right and law has three impassable limits. The law's form, as we have just pointed out, is the first one. Punitive justice is the second: only citizens as a body or their competent delegates can punish. The third limitation is more subtle. All justices functioning privately do so within the general context of laws and the constitution, which obviously take precedence, since they institute the polity, the group formed to attain peace and justice. All sentences issuing from private justices must be legal, which implies that they can occasionally be illegal and that litigations can arise in their regard. Justice itself requires that somewhere there exist an authority informed of these problems.

A second maxim is to guarantee as well as possible the independence of judges and to place barriers to their possible erring ways. The surest barrier is the procedure of appeal. It is preferable that it culminate in a unique supreme appeal, to prevent justice from being weighed differently, depending on the channels taken. At the minimum, the independence of judges requires that they be appointed by neither the executive nor the legislative function, and that their careers depend on neither of them. Electing judges is not a good solution, because that would mean subjecting to partisan rivalries positions and men whose entire authority and effectiveness rest on their impartiality.

There remain three democratic delegating procedures. One is examination or competition that would select a pool of applicants who had proved their competence. The second procedure entails drawing lots, which minimizes or eliminates intrigue, and is always democratic in its principle, when the pool is homogeneous and the abilities needed not too specific. The third possibility is co-optation, more advisable when competence is rare and can be judged adequately only by those who have already proved their capabilities, or when it is a matter of distributing career promotions.

Everything points to the necessity of creating an ultimate institution, the Constitutional or Supreme Court. It is indispensable for crowning the institutional edifice, for permitting the verification of laws and for serving as the highest place of appeal. Democratic modernity has invented two solutions. The American one entrusts the control of

constitutionality to the judicial system as a whole and organizes a process of appeals in a unique pyramid culminating in the Supreme Court. It makes it possible to test a law's constitutionality at any level of the pyramid. The European system entrusts constitutional disputes to a body instituted for this exclusive purpose. The solution calls for precision on several points: Who appoints the constitutional judges? Must the control be *a priori, a posteriori* or both? Who holds the right to submit a case to the Court? The answer to the third question would make it possible perhaps to find a middle way between Europe and the United States. If, as is the case in Germany, the right to submit a case to the Court of Constitutional Council is entrusted to judges themselves, we are closer to the American model, which provides a better guarantee of the judicial function's independence. But this is true only if the choice of judges by the executive, even under legislative control, is renounced. Because the criteria of choice are most likely to be marked by partisan and ideological aims. It would be better for democracy to resort to the drawing of lots or co-optation or a combination of these two democratic procedures.

To return to our initial dilemma: Are these institutions, invented in Europe and North America, suited only to the historical milieu that gave birth to them? Or do they have a universal value, not in the sense that they would be suitable in all the contexts through which humanity has passed up to now and will pass in the nature, but one which would make them appropriate for the state of world today and a coming tomorrow? This question cannot be answered with absolute certainty, because it is always possible that a polity will invent institutions still better adapted to modernity and transcribing the unwritten law of democracy with a still greater fidelity. Meanwhile, it would be presumptuous of anyone not to pay close attention to these historic transcriptions.

7

THE DEMOCRATIC VIRTUES

Virtue has been out of fashion in recent years. Some people see it as an antiquated religious or merely Christian notion, with which an enlightened century like our own can profitably dispense. Others consider it a subtle form of social repression, destined to keep the social order in its place. All, by one bias or another, regard the abandonment of virtue as liberation and progress. Reactionaries convinced that this position in false and pernicious for mores and the stability of societies attribute the responsibility for this abandonment to modernity in general and democracy in particular. The argument might be defended, if they did not believe that an intrinsic element of the democratic mechanism is the negation of good and evil, and vice and virtue, but realized that this negation is a corruption that, perhaps, has more chances of coming to light in a democratic age, but nevertheless remains a corruption. To all these ramblings, one could oppose Montesquieu's assertion that the 'principle', that is, the moral motivating force, of republics, which are our democracies, is virtue, the citizens' capacity to put the common interest before their own particular interest — in our expression, to place the common interest at the top of the list of their particular interests.

But a contrary assertion even by an illustrious author is not enough to carry the day. The problem must be examined afresh, first by defining virtue and demonstrating that democracy needs it as one of its conditions of possibility, and then by pointing out the principal virtues required, whether from citizens or political leaders.

The nature of virtue

We can begin with the definition proposed, in the Aristotelian tradition, by Thomas Aquinas. It is the one most compatible with the theory developed in this survey. The essential texts are found in his *Summa Theologica,* First Part of Part Two, Questions 55, 57, 58. The passage condensing the essential states that 'virtue is a certain permanent disposition making man capable of acting on the basis of the good' (Q. 58, Article 3). This concise expression contains three elements that merit some attention: a permanent disposition; it makes one capable of doing the right thing, or turns one away from evil, as is specified elsewhere; it concerns acting.

The word Thomas Aquinas uses for 'permanent disposition' is a technical term from medieval scholasticism: *habitus.* The word translates a Greek equivalent used by Aristotle, etc. Both designate a well-defined manner of being, that is translated into a manner of acting. Two questions come to mind. Is this manner natural or acquired? Both, probably. Every individual inherits a certain endowment that is more or less controlled, depending on the education received and experiences. Is it spontaneous or deliberate? Probably both also. Virtue, as a disposition having become permanent thanks to a thorough development of natural dispositions, must spontaneously inform actors' actions. On the other hand, it must be possible to make virtue the object of reflection and deliberation when it is contested or threatened by vice. The human species receives this capacity to weigh opposites from its native freedom. There would be no virtue if vice were impossible, and not reciprocally, but there would be no human species if virtue were not possible, because no end would be actualized, as we shall see. But it is not sufficient to know what virtue is, it must be desired. And it is not sufficient to desire it, it requires an effort. All in all, virtue has to do with will and effort inasmuch as it directs them towards the good.

'Good' is a generic word, useful perhaps but still a word, to designate the collection of ends as each order defines them. The good is truth, prosperity, peace, justice, beatitude, effectiveness, happiness, wisdom and still many other ends that we pursue and must pursue, if we are involved in science, economics, politics, religion, technology, ethics and all the other existing orders. The nature of virtue becomes clear: it is a permanent disposition to pursue an end or ends, or what creates human activity in view of ends. But, it can be argued, this activity has two sources. On the one hand, there are instincts, passions and sensitivities that 'push' us towards activity. On the other, there are ends, aims and goals that are offered to the will and 'attract' action. Every human action is always a combination of psychic push and the attraction exercised on the intelligent will. Consequently, virtue is at first the control of instincts, passions and sensitivities in such a way that the energy developed can be placed in the service of human ends. To take only an example or two: virtue redirects the instinct for self-preservation in a way that the individual stays alive and in a suitable working order, so as to allow him to remain faithful to the reasons for living. It transforms ambition seeking powerful positions, in order to place real abilities at the service of others. As to motives, virtue induces actors to undertake only those actions that have ends or that are intermediate means to ends. Finally, both sources of human activity must be matched at best. Virtue makes the intelligence concentrate as much energy as possible on the determination to actualize ends.

All these precisions can be condensed in a succinct expression: ‘Virtue is the will’s permanent disposition to aim for ends intelligently.’ The nature of vice is deduced by the opposite definition: psychic energy, developed by instincts, passions and sensitivities is deviated from ends and left to itself or directed towards evil. Vice is unaware of or misjudges the ends and pursues objectives far removed from them. It does not desire the ends, either because of a deficiency in the positive will to do good or by an active will to commit evil, which means that a distinction can be made between vice resulting from a lack of virtue and vice resulting from wickedness.

Virtue is related to acting. The end of knowing is truth. To reach truth, one must be capable of a just — and not good — use of intellectual faculties. The end of making is usefulness, which supposes an effective and adequate — and not good — use of human faculties and capacities. But since truth and usefulness are also ends that can and must be assigned as objectives of activity, virtue is necessary for wanting to know and to make exclusively for truth and usefulness. Similarly, true knowledge and useful productions can give rise to bad uses if, for example, one uses true knowledge of the motives of human behaviour to mislead, corrupt or enslave. Virtue is needed in order not to succumb to these deviations of uses.

Therefore, the ultimate expression of virtue could become this: ‘Virtue is a permanent disposition to act effectively in view of ends.’ The merit of this definition is that it emphasizes that even if a good intention is laudable, it is not enough to define virtue. It denounces and disqualifies all the ethics of authenticity, sincerity and conviction, whose genealogical tree can be traced back to Rousseau and Romanticism. The good intention is not enough, one must still act.

It is not enough either to believe that the end is good, it must actually be good, and this stresses the importance of knowing in the virtuous action. In a word, virtue is active and enlightened, because it sets itself only ends that are objectively good. This proposition suffices to explain the modem discourse of virtue. Every ideology of the relativity of ‘values’ and the subjectivity of ‘ideals’ ruins the distinction between vice and virtue, between evil and good.

Democracy and virtue

We could perhaps simply rely on common sense, which would find preposterous the opinion that it would be possible to build and run a political society with the angry, frenetic, thieves, assassins, debauchees, and the sacrilegious— in short, with human material combining all possible vices. By what unheard-of miracle would they succeed in reaching peace and justice? Common sense would conclude that democracy, being the natural regime of the political order, needs democrats, having qualities required by the order for realizing its ends.

But the common-sense argument would not be convincing. The end of rational knowledge is, in this case, to say why common sense is right. Two kinds of arguments can be made, one negative and refuting the contradictory position, the other positive.

The former reasoning is best understood if it is applied to the economic order where, incidentally, it first emerged. It was, in fact, a commonplace in the seventeenth century, well before Mandeville’s *Fable of the Bees*, that the competition of individual vices

produces happy collective results. Liberalism — or certain of its currents — drew one of its fundamental propositions from this: well-conceived rules of the game suffice for a civilized city, whatever the actors' qualities or faults. The reasoning satisfies common sense. The general idea is that miserliness, greed, the taste for luxury, extravagance — intemperance, in a word — on an individual level lead to general prosperity by spontaneous aggregation. Hence, individual vices have collective virtues, if it can be said without playing on words. But the entire thesis rests on the confusion of words. Motives, we have said, are instincts, passions and sensitivities that push men to act. They are not vices in themselves, but sources of energy. It is the use of this energy that is either virtuous or vicious. Economic virtue consists neither of austerity nor liberality, but of the economic actor's duties of his station, as defined by economic ends. The producer's duty, for example, is to combine as effectively as possible the factors of production that will assure him the greatest possible profit. In trade, the duty of the seller and buyer is to give less to obtain more.

But the duty of each of them is also to refuse to cheat, by robbing instead of paying the equivalent of what has been received, by misleading as to quality, by preventing competition on the market by profiting from a powerful position to give less than one has received, and so forth. To be virtuous is simply carrying out habitually, intelligently and effectively the duties of one's station. Consequently, it becomes obvious that general prosperity is greater if each economic actor is economically virtuous, and is diminished in proportion to the number and virulence of the economically vicious. If the hypothesis of individual vice as a basis for the collective good is to be saved in spite of everything, it must be demonstrated that market procedures encourage economic virtue through self-interest. This is precisely what a constant and universal experience refutes: producers accept competition only when forced to; interest groups incessantly lay siege to political power to obtain the right to cheat legally. An entire penal code is instituted for punishing the most varied offences and perhaps for preventing them.

The same reasoning could be followed in the other orders. Each order defines statutory duties whose observance requires virtue because men's natural inclination would be rather to neglect them.

The reasoning can be grasped in all its purity by positive argument. Let us go back to our founding hypothesis of a free, rational or calculating human actor with ends. Introduce him into a polity faithful to its natural destination, peace through justice. Have him institute a democratic regime appropriate for this purpose. And then ask ourselves or him the question: Is it conceivable than an actor thus defined is sufficient for the good functioning of the regime? To find an answer based on reason, we must remember especially freedom, understood here as the capacity to choose between opposites, and rationality, understood as the capacity to maximize and optimize.

A free and rational actor calculates freely that it is in his interest to join a polity to avoid the jungle and to institute a democracy for providing devices and procedures leading to peace and justice. In a word, the actors will be led to form a polity where the rules of the game are defined. The respect for these rules is costly in terms of satisfaction for the actor. To be convinced of this, a rapid review of the various forms of justice will suffice. It is more satisfying to have institutions favouring one's particular interest than those that correspond best to democracy's unwritten law; more satisfying to establish

laws supporting particular interests rather than those defending exclusively the common good; more satisfying to receive more than one gives in exchange; more satisfying to earn shares of power, prestige and wealth superior to those that one's competence, merit or contribution would confer; more satisfying to have a litigation settled to one's advantage and not according to justice.

A rational actor would be constantly tempted to cheat. But pure reason would give him pause with two arguments. First, if everybody cheats, then they all fall back into the law of the jungle and everybody loses. The actor may make the rational wager that a sufficient number of actors are as rational as he and that they will all wager that they will be numerous enough to respect the rules of the game, in order not to be cheated and be able to punish the cheaters. The wager, if it is won, can form a democratic polity on pure calculation. But there is a flaw in this argument: if the number of cheaters grows, then the non-cheaters can feel that they made a stupid wager and they in turn will be encouraged to cheat. At every moment, the very existence of the polity and democracy depends on the equilibrium between cheaters and non-cheaters, an equilibrium that can tip almost instantaneously into total anarchy by a snowballing effect. Or else, the actor cynically decides that whether he cheats or not will depend on the number of cheaters and their capacity to produce anarchy. In other words, the fewer the number of cheaters, the more the calculator cheats! Since everybody is supposedly a calculator, the long-term prospects are compromised to say the least.

It is obvious that the mere calculation of the individual advantages and disadvantages of cheating is insufficient for reinforcing a democratic polity. A corrective is essential: cheating and cheaters must be punished. This is why the law includes the capacity for punishing those who do not respect it. But suppose that fear of the police is the only dissuasion to which citizens are sensitive. In the first place, that would mean creating the will to live together and civic friendship on a calculation that may be rational, but hardly likely to encourage strong bonds. It would result in the citizens' constant weighing of the advantages of cheating with the disadvantages of punishment, and calculating the probability of getting caught! Next and especially, citizens would be irresistibly inclined to enact laws allowing legal cheating, laws protecting particular interests from the constraints of the common good. Since we can assume that particular interests will be unequal in weight and influence that would mean favouring some citizens over others. We shall see in Chapter 9 just how realistic this reasoning is.

The conclusion to be drawn from this brief analysis agrees with that of common sense, for which defective human material cannot support a healthy polity. According to the former, pure calculators would inevitably be pushed not to respect the rules required by peace and justice. Even the fear of punishment would not be enough to restrain them. A supplementary hypothesis is needed, one supposing that citizens are free, end-oriented, calculating and virtuous.

The civic virtues

To discover at least some of the virtues indispensable to citizens, we can proceed either empirically, by pointing out certain elements of the democratic mechanism and concluding from them the qualities they need from actors in order to function, or we can use a more theoretical and deductive approach, starting with freedom. Since the two

itineraries are instructive, we shall follow both of them briefly, before asking ourselves how an absence of virtue would affect democracy.

Numerous aspects of the democratic mechanism constructed here could be used for an empirical investigation. Take the status of violence, for example. On the one hand, the renunciation of violence and ruse to further one's particular interest is perhaps the founding rule of the good regime. On the other, citizens as a body may have to use violence against an exterior enemy and the domestic cheater. In a word, citizens must be non-violent towards each other and violent with their enemies. Thus they cannot choose to become absolutely non-violent, which, incidentally, would be forbidden by their natural constitution, which makes the species able to transform vital energy into aggression, and aggression into violence. The only solution is a strict self-control of aggression and violence, in such a way that a raw fact, quasi-biological, a motive, serves a political end. In this case, that end is the defence of the polity against all exterior and interior aggression. The corresponding virtue in the classic list of virtues would perhaps be courage.

The particular interest also has its specific virtues. All particular interests are politically legitimate, as long as they respect the rules of the game. But this condition, which might seem painless initially, can become very painful in its application. It concretely stipulates that each person's opinions, tastes, ambitions and behaviour are legitimate and protected by a corresponding freedom. But it does not necessarily follow that one meekly accepts the legitimacy of opinions and mores contradicting one's own. The natural reaction is to ignore or suppress everything that diverges from them too much, because it is strange, and anything strange is easily threatening. Tolerance is not natural, but is a permanent disposition acquired to overcome hostility to the alien. However, tolerance is not indifference. Each person must stick to his opinions, but accept that others stick to theirs, which can be true or truer, but also can be false. Consequently, tolerance implies a confrontation of opinions, their mutual acknowledgement and a common exploration of fairness, without recourse to violence.

But an excess of tolerance, pushing individuals to give up their particular interests, would not bring about democracy. A total abnegation by citizens would lead to such anaemia and atrophy in the private sphere that the only possible result would be its tendency to be absorbed into the public sphere, and that would spell the demise of democracy, since it depends on the distinction between public and private and their reciprocal specialization in dealing with the common good and particular interests respectively. Very concretely, this proposition forces individuals and groups to define their interests as judiciously as possible and to make the greatest effort to attain their objectives, while strictly respecting legality. It is not enough for citizens to be autonomous; they must be driven by the spirit of autonomy. They must have self-esteem and pride. In this way a natural impulse serves democracy's general equilibrium. It leads each person to consider his own affairs as more urgent than those of others and to look after them.

We can conclude by looking at the ethical implications of the common interest. It also, and especially so, requires tolerance for the various interpretations given to it. All the more so, as we shall see in Chapter 9, since these interpretations are always injected with ideological elements, and are highly charged with passions. Furthermore, the common

interest also requires citizens' dedication, which consists of giving without hoping to receive the equivalent in return. As we have seen, an initial example of dedication is when citizens forgo cheating without the guarantee that others will do the same. Respecting laws is a form of dedication, because doing so may jeopardize one's particular interest to the profit of the common interest. In general, dedication means placing the common interest before one's particular interest. More concretely, citizens have many other opportunities to show their dedication, by accepting jobs promoting the common interest, too modest and numerous to warrant substantial compensations in power, prestige and wealth.

The more theoretical way of discovering the virtues begins with freedom and its three definitions. With them, we can construct a grid of freedom, which must be completed by grids of non-freedom, because freedom can be abolished by either deficiencies or excesses. Here is what a political grid of freedom looks like:

Deficiency	*Moderation*	*Excess*
Oppression	Choice	Anomy
Coercion	Autonomy	Anarchy
Subjection	Participation	Militantism

We must never become attached to words, but to the realities they designate. The first two lines speak for themselves. The third warrants some clarification. In the 'Moderation' column we find 'Participation', by which is meant the possibility for the citizen to be involved with communal matters, by participating in the definition and realization of the common interest. In the case of 'Subjection', somebody takes charge of the common interests as he sees them and tries to assure his people's happiness without asking their advice. An excess of participation results in the effervescence and exaltation of an ideological group, into which the individual merges and follows orders blindly.

An ethical grid can be superimposed on the political one. It shows the virtues required and vices prohibited by every free political regime:

Deficiency	*Moderation*	*Excess*
Licence	Self-control	Rigidity
Servility	Individualism	Egoism
Egocentrism	Altruism	Fanaticism

Each case has a generic value. It has specific virtues and vices. We shall simply enumerate them because they can easily be related to all that has been said up to now:

1. The virtues and vices contrary to self-control could be: (a) ossification, equilibrium, capriciousness; (b) credulity, irony, incredulity; (c) intransigence, tolerance, indifference; (d) rigidity, the spirit of compromise, dishonest compromise; (e) anguish, serenity, euphoria; (f) pessimism, lucidity, optimism; (g) indecisive-ness, determination, frenzy; (h) treason, loyalty, scruples; (i) cowardice, courage, rashness; and so forth.

2. *Individualism* would have the following virtues and vices: (a) servility, pride, arrogance; (b) dependence, independence, savagery; (c) coarseness, distinction, extravagance; (d) degradation, honour, haughtiness; (e) pusillanimity, greatness of soul, megalomania; and so forth.

3. *Altruism* has the following virtues and vices: (a) betrayal, keeping one's promises, obsequiousness; (b) cheating, dedication, self-denial; (c) egoism, sacrifice, timidity; (d) cynicism, humanity, naiveté; (e) ethnic prejudices, humanism, indiscrimination; and so forth. Clearly, the construction is less of Aristotelian inspiration than its confirmation, quite simply because Aristotle's conception of virtue as moderation stretched between an excess and a deficiency is just and because all sure roads lead to the just. It is also clear that the deduction of virtues from freedom essentially agrees with the conclusions of the empirical approach, namely that the virtues required by a free polity or democracy — these two epithets are synonymous from this viewpoint — spontaneously fall into three large groups- One requires actors' control of their instincts, passions and sensitivities, to channel psychic energy to serve the will enlightened by the knowledge of ends. A second group stresses that every political edifice and, consequently, every social edifice in general, is based on the successful individualization of these same actors, whose difficult responsibility it is to strive for the maximum realization of themselves as idiosyncratic individuals, as men representing the species and as citizens invested with the positive characteristics of their respective culture. A third group emphasizes the bonds that these autonomous individuals must create and maintain with other individuals and the groups to which they belong.

Democracy requires specific virtues. Does that mean that it would die without them? It is a difficult question to answer because the empirical verifications are not easy. But we shall try to do so by using plausible calculations. Two of them are, in fact, certainties. A democracy in which all citizens were perfectly virtuous would function perfectly. Conversely, a democracy whose citizens were completely vicious could not survive or even be established. The reality is found somewhere on the continuum linking the two theoretical extremes. With what proportion of virtuous or vicious citizens is democracy possible or impossible? The question cannot be answered theoretically. The situation is complicated by still another consideration that, moreover, provides a way out of the dilemma. Opposing vice to virtue gives too indistinct a scale. It must be graduated more subtly and realistically by adding at least two supplementary levels: non-vice and non-virtue. For example, to steal is wrong, because it is a transgression of the distributions of justice regarding wealth and is an infringement on another's private domain. The virtue is to refrain from stealing, while knowing why theft is wrong. The vice is to steal, whether one is aware or not that it is wrong. Non-virtue is satisfied not to steal, because the pervading mores indicate that stealing is not done, but offers no true justification of this ban. Non-vice does not steal, because it has no opportunity to do so.

It can be argued that a historical democracy could function with minorities of virtuous and vicious and a majority of non-virtuous and non-vicious. It can also be postulated that the two minorities are constants, in the sense that in every society congenital virtuous and vicious appear in each generation. The historical and sociological variable would be the balance held by the majority: by tipping over into vice, or by negatively maintaining virtue, under pressure from undetermined factors, the majority would either support or jeopardize democracy.

The political virtues

To be entirely precise, we should say that they are the virtues of politicians, the citizens who agree to occupy positions of power in the public sphere, regardless of the level in the polity's organization — from the centre to the local level. The standards of virtue imposed on politicians are high, since they must also be virtuous as men in general and citizens in particular. Among the virtues they must acquire permanently as politicians, a new distinction must be introduced between virtues that must accompany acting in general and those that relate more specifically to the political order.

The virtues for acting in general are three 'cardinal virtues' recognized by the Western moralist tradition since Plato: temperance, courage and prudence. Every acting individual, regardless of the ends pursued, gravely compromises his chances of success if he lacks these qualities. Politicians are, on this point, in the same boat with business executives, leaders of associations, heads of families, etc. But it can be argued that politicians have particularly pressing duties, because the political order, occupying a central and strategic place in human affairs, determines in large part the success or failure of all human undertakings. Also, the fact that politics is concerned with actualizing the common good means that it evolves in the most radical uncertainty. Take, for example, the responsibility of the statesman who must decide between war and peace, without being able to reflect rigorously and precisely on either the consequences of his choices or his chances of success. In certain cases, the polity's very survival depends on him.

Temperance is not just the refusal to drink alcohol, take drugs or indulge in activities deemed licentious, as a certain puritanical insistence led people to believe in the West. But we should not exaggerate in the other direction either, and say that it makes no difference whether those in charge of the common interest are stupefied by alcohol or drugs or plunged into perpetual debauchery, because moral disorder does not bode well for clear judgement and good management of public affairs. Temperance is a much more general virtue. In fact, it is equivalent to what we have called self-control. It is the innate or acquired capacity, developed by education, experience and deliberation, of controlling instincts, passions and sensitivities and placing the energy produced in the service of the will enlightened by the knowledge of ends. The temperance democracy imposes on its leaders — or rather that which an ideal democracy would impose on its leaders perfectly suited to their role — asks them to devote the greatest part of the energy that drives them, whatever its source, to the pursuit and realization of the common good. This is why it is unreasonable and even senseless to re-approach a politician for his ambition, even when it is inordinate. His passion for power must be judged by the actions it prompts. Do these actions contribute to the common good or do they not? If yes, the keener the passion, the more likely it is that the actions will be effective. Of course, excessive ambition is dangerous for citizens' liberties. It is up to them to find and adopt institutions capable of controlling tyrannical deviations, and to remain vigilant.

Courage is probably a word too narrow in meaning to designate a virtue that could better be called steadfastness.

Courage is a kind of steadfastness, the virtue that makes it possible to carry on in spite of dangers. Steadfastness consists in remaining faithful to ends, good by definition, and to the concrete objectives that bring them nearer. This loyalty must be maintained in spite of

all bouts of weakness, discouragement or even despair, which can assail the actor; but also in spite of the multiplication, recurrence and treachery of material as well as human obstacles. To be steadfast is to know how to keep going in the right direction in spite of all reasons, good or bad, to deviate from it or renounce it completely.

But steadfastness requires prudence, which is the supreme virtue of acting. To be prudent is to be capable of the most careful weighing of the advantages and disadvantages of a decision, the opportunities and the risks of an action, its consequences over the longer or shorter terms. All these uncertainties must be pondered not only for themselves, but for their relationships to each other and to the ends. This is why classic moral philosophy placed prudence among both the moral and intellectual virtues. Prudence is an intellectual virtue because it is a specification of man's particularity that we have called calculation. It is a moral virtue in the sense that it depends on the control of instincts, passions and sensitivities. It would be just as naive to expect prudence from a politician with a passion or *idée fixe* or a tendency to succumb too easily to his emotions, as it would be to expect it from a stupid and limited one.

Temperance, steadfastness and prudence fall within the Aristotelian vision of virtue as a moderation between deficiency and excess. Temperance must keep itself from licence as well as rigidity — or whatever the name we give to excessive control of the human psyche. Steadfastness is as much opposed to weakness as it is to obstinacy. Prudence differentiates itself as much from rashness as it does from indecision. But we must beware of equating moderation with mediocrity, the mean condition between the two extremes. Virtue is rather a tension between a deficiency and an excess, whose point of equilibrium is never placed high enough or too high.

Certain virtues are more strictly political, even if, here again, neither the political order nor the politician has exclusive rights to them. They are the virtues directly needed for political ends. Peace, as we have envisaged it until now, is an objective state, or better still, the tendency towards that state. Peace is pacification. Peace is also a subjective state, a certain disposition and behaviour towards others. Peace as a generic virtue has several species. We have already seen concord or friendship between citizens. We refer the reader to Aristotle's admirable development of this subject *(Nicomachean Ethics*, Books 8 and 9). Friendship between citizens is not only a virtue. It is a very subtle and complex mixture of a probable gregarious instinct, of collective passions, common emotions, but also of calculations and deliberations regarding common interests. The mixture is a product of history, and is affected by morphology and the trans-political environment. Friendship becomes a virtue when it makes citizens capable not only of living together, but of wanting to live together, in spite of everything that separates them. It is not a will to live in a polity, but to live with a group of people. Friendship is not focused on abstractions and collectivities, but on real individuals who make up real groups, including the polity.

The spirit of peace is not pacifism, the absolute refusal of violence, regardless of its legitimate uses. It is the firm and prudent determination to reach peaceful solutions to conflicts within the polity by procedures instituted by democracy and, on the outside, by diplomacy and negotiations when possible.

The spirit of compromise is far from spinelessness and still further from dishonest compromise. It accepts any solution that prevents an injurious obstruction or violence, hi

an exchange or sharing, it can be the fixation of inequalities and shares other than those desired by either party. It can also be expressed in questions that do not allow a medium term and are subject to exploration, in the postponement of the decision to a later date.

Tolerance, we have seen, is not indifference. It is the virtue that permits adapting one's behaviour to democracy's fundamental rule, which stipulates the political legitimacy of all particular interests, even those that are not legitimate in their orders. Tolerance must even be shown to democracy's enemies, although their enmity is illegitimate in the political order, since democracy is the natural regime. To be precise: this tolerance ends with the expression of antidemocratic opinions and must be replaced by the most implacable violence and most refined ruse, once antidemocrats begin to use ruse and violence.

Like peace, justice has an objective status which we have amply analysed, and a subjective one, which, like the subjective state of peace, has no name. We can call it the spirit of justice. It can be defined as the virtue allowing one to act while keeping justice in mind and striving to approach it as closely as possible. If prudence is the supreme virtue *in* politics, the spirit of justice is the supreme virtue *of* politics. It can also be said that if the spirit of peace must inspire citizens as well as politicians, the spirit of justice concerns more directly those responsible for rendering it. This duty forces constituents to set aside their particular interests and those of their electors, to let their intelligence and will focus only on the most faithful and authentic transcription of the fundamental principles that should govern a democratic polity. In the choice of electoral system, for example, the constituents should be guided by the sole consideration of how it affects the effectiveness and stability of their institutions.

The spirit of justice meets *as* many distinct occasions for being exercised as there are distinct justices. Legal justice requires an excruciating virtue on the part of the legislator. His exclusive concern must be whether a proposed law conforms to the constitution and whether it can contribute to the common good. He must refuse to support any legislation designed to favour a particular interest. Virtue is weighty because it conflicts directly with interests of both the private actors and the politicians (see Chapter 9). Right is the second branch of justice, after law. The spirit of justice corresponding to contractual, punitive and corrective justice does not need a particular development, because it follows naturally, for example, that the judge must judge the accused with justice, that is, for the transgression demonstrated by a positive law, after opposing debates. And the sentence he passes must be proportionate to the infraction.

Distributive justice seems more awkward, because in a democracy, distributions do not depend on either politicians or citizens, but on agoric procedures which, if they are perfectly flexible and protected from all outside pressure, distribute fair shares of power, prestige and wealth. The virtue of politicians is not in distributing fair shares, but in jealously watching over the procedures' fluidity and integrity. The 'distributive virtue' is closely akin to the 'legal virtue', because the jamming of procedures comes principally from legislative measures permitting particular interests to get round or escape agoric procedures. Politicians can be called on in the division process, especially that of wealth, when equity intervenes and even a fair sharing is so dispersed that concord is threatened and certain citizens are left entirely deprived. In this case, civic solidarity imposes redistribution of resources, of which certain will inevitably use public channels. Virtue

then imposes redistribution on politicians, not from envy of the rich, but simply because of the need to aid the poverty-stricken and maintain peace.

8
THE ORIGINS OF DEMOCRACIES

If the thesis we have defended is correct, namely, that the ends of the political order are peace and justice and that democracy is the appropriate regime for reaching these ends, a question immediately arises: Why have not all men in all societies lived permanently in democracy? In fact, empirical data indicate quite clearly that the democratic regime is not the only one to emerge even if as we shall see, a historical optical illusion masks its statistical dominance. This apparent divergence between experiences and a theory asserting that democracy is natural to man cannot be attributed to ignorance, because democracy's basic principles are easy to understand and find. Therefore, it is useless to look into the history of ideas or mentalities, or into some extraordinary cognitive breakthrough or mutation of mental frameworks.

The only logical way out is to postulate, then verify that democracy, like everything that exists, requires certain conditions of possibility for its existence, its germination and blossoming. Plato called these conditions 'auxiliary causes'. Plants, for example, need certain conditions of temperature and humidity. Economic development depends on specific political conditions. The exercise of intellectual faculties and virtues requires a certain material ease. Conditions of possibility are not causes, strictly speaking, neither in the sense that the phenomena they condition are their effects — temperature and humidity do not produce seed — nor in the sense that the nature of phenomena is an effect of the conditions — temperature and humidity do not determine the genetic make-up of the birch or the baobab.

Consequently, the theory goes something like this:

1. As a free, social and conflictual species, men spontaneously aspire to peace and justice.

2. Democracy, defined as a regime founded on power/ leadership, is the political regime offering the greatest chances for attaining peace and justice.

3. In order for a democratic regime to be born, develop roots, survive and be reasonably successful, certain conditions of possibility must be present.

4. Once these conditions are met, men as free actors, calculating and end-oriented, eventually produce democratic regimes, transcribing their nature in representations, actions and institutions.

We have briefly dealt with Points 1, 2 and 4. The third one can be resolved in two ways. The empirical and inductive method lines up as many cases as documentation and patience will allow, so as to bring out regularities and, when the series are particularly reliable, laws. The hypothetico-deductive method starts with the nature of democracy and asks what must be supposed in order for this nature to be realized. This second way, that of modern science, is surer as long as it produces the historical material likely to verify experimentally the propositions deduced from it. That entails permanent recourse to data

from the empirical method. We have therefore two points to examine: the conditions of possibility and the conjuncture of these conditions.

The conditions of possibility

Chance seems to favour us by reducing the decisive conditions to four: the permanence of polities; non-imperialization; the plurality of autonomous centres of decision; and the virtuous qualities of actors.

That the polity is indispensable is almost a truism, since by nature a political regime is the institutional management of power relationships within a polity. Let us suppose that there is no polity at all. Every political regime has disappeared, and man has fallen into what modern political philosophers have called the state of nature and journalists the law of the jungle, the law of the strongest. From this truism, less obvious consequences can be drawn from the following reasoning.

By nature and definition, a polity is a group tending towards internal pacification while being in a virtual state of war with the exterior. The situation can also be described by saying that the political space is a social space circumscribed by the frontier where internal resistances and external pressures are counterbalanced. The former are eager to impose pacification, the latter to extend the zones of military operations. The image is inaccurate, in that it fails to convey that the social space is not a physical space, and that external pressures and threats of war are found not only on the periphery, but at every point within the political space. In other words, the victory of peace is a momentary and precarious triumph over war. Therefore, internal resistances prevail in importance over external pressures, since they can be considered constant. Consequently, a polity is born from and in spite of external pressures. For that birth to take place, it is necessary and sufficient for the resistance to prevail locally over the pressures.

This conclusion opens up two theoretical possibilities. Either individuals join together and reach an agreement, by a founding pact, to resist all violent attacks in a political framework, or else, the political framework is created by war and conquest, and individuals incorporated by force end up by adhering to the polity and accepting it as the field of their pacific relations. Once again, it is judicious and realistic to consider these two possibilities as two extreme poles connected by a continuum. The first hypothesis depends on the small number of the polity's members and the second on war.

This essential divergence leads to two very different general situations. In one, the actors spontaneously organize themselves into polities, to overcome the threat of resurging violence and respond to exterior challenges: the polities' permanence is acquired by permanent adaptation to circumstances. In the other, the actors are pushed into polities by war. War is by nature uncertain, which means that polities are made and unmade by victories, defeats and secessions. The political map is in a constant state of re-structuring: the possible permanence of polities emerges across a contingent history. Whether it occurs through adaptation or contingency, the permanence of politics *is* required, if the democratic experience is to develop in a climate shielded from threats of conquest from the exterior and risks of civil war within.

The second condition of possibility also departs from a statement of the obvious, albeit a little less blindingly so, to arrive at rather interesting Conclusions. To help in grasping

the truism, let us remind ourselves that a transpolity is a system of action founded by at least two polities and, consequently, it is the social space where peace and war alternate. By definition, imperialization is the transformation of a transpolity into a polity through war. This transformation has two imperious political consequences. Under pressure from belligerent competition, whether for survival or conquest, each polity is constrained to concentrate power, which favours the rise of autocratic tendencies and makes it inevitable. On the other hand, the victorious polity, now the empire's nucleus, whether it were an actor in the system or came from the outside, must now maintain the coherence of the whole by force. The conclusion is obvious: a kingdom or an empire having emerged from a transpolity's unification never has a democratic regime, but always one that is either hierocratic - that was the norm in post-Neolithic and pre-modern societies — or autocratic. The reasoning's continuation is less obvious and would doubtless demand further development. Reduced to its essential themes, the theory claims that transpolities can adopt three different configurations.

We shall speak of polypolarity when the actors are numerous, a few dozen, or at least twenty, and when the force developed by each one is, if not equal to the ethers, at least such that no single one would be so much stronger than the others that it could triumph over their coalition. In a polypolar system, number makes the definition of the rules of the game difficult if not impossible. And even if the rules have been defined, it also prevents forcing possible cheaters to respect them. In fact, number prevents prior understanding among the coalition's members. Each one must decide for itself whether to go to the aid of the polity attacked by another and risk finding itself alone to face a stronger enemy. This is exactly the situation that subway passengers face when an armed hooligan attacks one of them- Prudence advises each person to do nothing. On the transpolitical scene, the result of this response is that cheaters are not curbed. Consequently, war is permanent, which determines winners and losers at each turn: in the long run, an ultimate victor will emerge and found a kingdom or an empire.

At the extreme opposite end, we find bipolarity, a system with two actors. The condition is the same: they are of about equal strength; if not there would be no transpolity, but a polity and its satellite. In this configuration, the winner takes all, whether this be security or domination. Each actor must calculate that the other calculates on the same basis. Each one must suspect the other of drawing this rational conclusion: profit from the first occasion to win and take everything. Nobody can trust anyone. Each actor must seize the first opportunity, or risk becoming the victim. The conclusion is that biopolarity inevitably results, sooner or later, in a kingdom or an empire. With three or four actors, the conclusion is the same because combinations of three against one, or two against two, would form.

Between the two extremes, oligopolarity brings together from five to ten, perhaps twenty, actors. None is strong enough to prevail over the coalition of all the others. The configuration defines a radically different game. Each actor has nothing to gain and everything to lose in a strategy of conquest at the expense of the others: each one is inclined towards a defensive strategy of status quo. No one has the chance to win everything: the transpolity cannot be united in polity by endogenous developments. The small number of actors and the permanence of their relationship spontaneously produce rules of the game — a people's right. Finally the small number makes possible the understanding and coalition of those who might feel threatened by the possible hegemonic will

of one of their group. An oligopolar system depends not so much on a stable equilibrium as on constant readjustments, ensuring that the balance between the fluctuating coalitions is maintained. The system itself is stable and unlikely to lead to unification into a kingdom or empire within hundreds or even thousands of years.

The second condition of possibility for democracy is not simply non-imperialization, which is negative and rather tautological, but more precisely the prior or concomitant existence of an oligopolar transpolity.

The third condition, the presence of autonomous centres of decision, is posed by the nature of political power. It is a mixture of might, authority and leadership, as we have shown. We could also show that an inevitable evolution absorbs leadership into authority, and authority into might. The first occurs because people tend to admire men more than their specific abilities and the second because might can contain and suppress all difference of opinion. This evolution establishes the maxim that, in itself, all power tends towards the absolute. Since by definition political power controls the might available in a given polity, all political power tends to become absolutely autocratic and tyrannical. The only solution is contained in Montesquieu's famous expression: power must be met with power, if the fatal spiral is to be blocked. But democracy lacks this by definition, since it is at the opposite pole from autocracy and tyranny. Hence, in democracy, all power must be opposed by one or more counter powers.

A problem arises for which two solutions seem to be offered. One would oppose power with power within the very heart of political power, in the public sphere. This solution is illusory in three ways. First, we cannot divide power with counter powers without reducing it to impotence, which would hopelessly compromise the realization of the ends. Next, the institutional solution of the 'separation of functions' depends on blocking the fatal spiral, which is not a solution to the problem but the institutional transcription of a possible solution. Experience gives abundant proof that when political power is uncontrolled; the independence of the legislative and judiciary is a fiction, regardless of the guarantees offered by constitutional texts. Finally, and especially, power does not divide itself, since it tends spontaneously towards the absolute. Who then will divide it?

We must fall back on the second solution, which opposes public power to private powers, the political to the non-political or, to use a more common vocabulary — but it must be reserved for modernity — the state to civil society. The private sphere is composed of citizens in that they attend to their own affairs and form economic, religious, recreational, family and pedagogical groups to achieve their ends. The autonomous centres of decision are those private individuals and groups inasmuch as they are and want to be autonomous in regard to political power and the public sphere. The private centres must be given, if not the public sphere would have to produce them on its own, which leads us back to the objections raised by the first solution: no power, and still less no political power, limits itself.

The civic and political virtues as the fourth condition of possibility for democracy have already been adequately stressed (Chapter 7), since the whole analysis has precisely tended to demonstrate that even a pure and perfect democracy cannot function without virtuous or non-vicious citizens. Let us add that virtue and non-vice are not spontaneous aspects of human nature, because profound psychic tendencies and elementary

calculations pull in the direction of vice. The balance between the requirement of virtue and the inclination to vice can be determined only by factors exterior to the two sides of the scale.

The convergence of conditions

To avoid losing ourselves in the infinity of possible investigations and, in spite of all, keep the essential, we must find a vital lead and a shortcut. Morphology can serve this purpose. For us, morphology is the cement of human societies, the cohesive principle that holds together the individuals, groups and networks composing all human societies. Morphology ought to serve because it offers a vast empirical discrimination between morphologies compatible with democracy and those that ignore it absolutely. The latter include the kingdom and empire, but also feudalism and the caste system. The compatible morphologies are the band, the tribe, the city-state and the nation. The nation is strictly modern. We shall consider it as one factor among others having contributed to the emergence of modern democracies.

Morphology and democracy

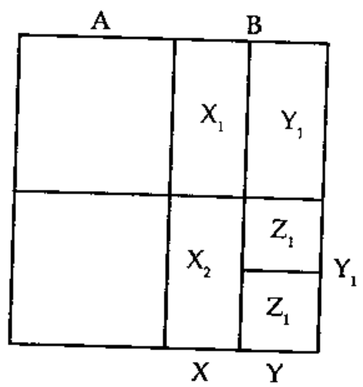
We have already taken up the band and offered the plausible hypothesis that this was the human species' natural morphology in its Palaeolithic phase, when it was living only a natural history, like all other living species. The band's structure is remarkable for its simplicity and elegance. It is based on three levels of integration. The first level is the nuclear family, formed by a father and mother — a stable couple, in principle, though divorce for incompatibility of temperaments is always accepted — and their two or three living children reaching adulthood, because infant morality rates are very high, on the order of one out of two, or two out of three. These families of five persons — very individualized and even individualistic, contrary to all the legends about the lack of differentiation among primitives — come together in five groups on average to make up a horde, which is a unit of daily life and economic survival. The horde is very flexible because its members are guaranteed the freedom to leave at any time. Hordes form and reform from season to season according to chosen affinities. Twenty or so hordes form an ethnic group, which is more like a network through which women, words, ideas, beliefs, etc., circulate. It is a demographic and cultural unit. Demographic pressure can produce tensions within and between hordes. The tensions are resolved by spreading out to surrounding unoccupied lands. This scattering produced a gradual expansion which in a few tens of thousand of years permitted *Homo sapiens* to occupy the whole planet except Antarctica, which is far too hostile. The band offers an exceptionally pure transcription of democratic principles. Of course, its institutions cannot be compared to those that modernity has produced (Chapter 6), but they are nonetheless democratic institutions.[2] If our hypothesis is exact, we can infer from them that democracy's conditions of possibility are ideally combined and, furthermore, permanently so, because there is no case of a band of non-stocking hunters and/or gatherers that has had any other regime. In fact, the band has a political space that tends toward pacification and even realizes it — the ethnic group. Within it, all procedures and plans are present for bringing about a pacific outcome, from the spontaneous emergence of respected mediators to scattering.

But it is difficult to define the ethnic level as a polity, because, beyond this framework, there is no contact with any other ethnic group, unless purely anecdotic. The ethnic group’s perfect autarky — demographically, economically and spiritually — means that we can speak only of a quasi-polity. The polity’s inchoative or virtual status comes from the fact that the band is ignorant of war. Contrary to a widely shared illusion, war is not natural, it is a cultural invention of the Neolithic Age. It is war that imposes the formation of a specific group, the polity, for resolving the problems of war and peace. The absence of war also erases all fear of imperialization.

More fascinating from theoretical viewpoint is the fact that the band’s equilibrium is based on an oligopolar structure. It is composed of twenty or so hordes that, because of their fluidity, are always equal in social weight and have a perfect homoeostasis. The autonomous centres of decision are individuals, families and hordes, each one keeping the levels of integration from slipping into tyranny. Finally, virtues and non-vices are produced spontaneously by direct encounter and small number. Self-control is vital in the permanent situation of direct communication, relieved only by the horde’s fluidity. It is expressed, for example, by an almost uniquely verbal form of aggressiveness. Individualism is imposed by the absence of substitutes on whom one could count for assuring one’s personal interest, and altruism for the same reason: if each individual does not devote himself to the common interest, he is assured that it will not be realized.

The tribe is probably a spontaneous mutation of the band, imposed by demographic saturation, by the general occupation of a given zone, making spreading beyond the ethnic group difficult or impossible. In the tribe, the basic social unit, that on which all the rest is built, is no longer the individual or the nuclear family, but the extended patri- or matrilineal family, going back three or four generations, or about fifty persons on average, though figures can vary widely.

These units are carried along by mechanisms of fusion and fission that are easier to understand in a diagram:



Z_1 and ***Z_2*** are extended families; X_1 X_2 Y_1 , and Y_2 are lineage segments of superior definition, bringing together related families; X and Y, A and B are either still more inclusive lineages or territories, or both. A + B form a tribe-several tribes can come together in ephemeral confederations.

The functioning principle of tribal or lineage morphology is simple. $\boldsymbol{Z_1}$ and $\boldsymbol{Z_2}$ regulate all their internal problems by themselves, with the arbitration of a family council a patriarch or elder brother. If a conflict goes unresolved '— generally it stems from a clash between an elder and younger brother—it ends in fission and the definition of two distinct units. If $\boldsymbol{Z_1}$ and $\boldsymbol{Z_2}$ clash, it is their business.

They have to try to settle it between themselves. If $\boldsymbol{Z_1}$ and $\boldsymbol{Z_2}$ clash with X_2, the two merge spontaneously into Y_2 The same goes for the upper levels of integration: X_1 and X_2 form X against $Y = Y_1 + Y_2$ X and Y join to become B against A. A and B unite in a tribe against another tribe. Once the conflict ceases on the level where it breaks out, the coalitions dissolve and each unit goes back to its reserve.

This morphology is as remarkable as that of the band for its elegance, simplicity and effectiveness. It has existed on all continents, from the Palaeolithic Age until today, when it is beginning to disappear. Like the band, it can be considered as a stage in the species' natural history. The tribe, too, offers democracy its conditions of possibility.

War was born within the tribe. Before its birth, tribal polities were virtually the same as those of bands: it is the entire tribe that, in its perfect autarky, is the zone tending towards pacification, as can be observed among the Australian Aborigines, who harmoniously and effectively combine the band and the tribe. Once war appeared, a level in the degrees of integration emerged, that below which violence is contained and controlled and beyond which war becomes increasingly savage. But across time, this level has varied from tribe to tribe, and even within the same tribe.

The tribe, too, has an oligopolar structure, because the segments likely to try to impose themselves on each other or the actual polities are confined to the required margins, at least five and not more than twenty or so. A tribe benefits from the durability of oligopolar systems. Some 5,000 to 7,000 years had to pass before, in certain very limited regions, kingdoms finally emerged, and then empires conquered by these kingdoms. The autonomous centres of decision are the segments themselves, in their variable definition: at each level, power is contained and controlled by the units that make up that level. In the basic family unit, power is based on authority and leadership, and force is controlled by the sons and brothers.

Just as in the band, the virtues and non-vices required are spontaneously produced, on average, by direct contact, the small number, the milieu's constraints, the necessity of doing everything oneself and an intense community spirit.

But the tribe is less purely democratic than the band: production and stocking of food determine social stratification, reinforced still more by war. This stratification is expressed in a gradation of political regimes — oligarchic, aristocratic, temperate hierocratic and finally, absolute hierocratic, but by then the tribe has been left behind, gradation crossed characteristic tyrannical episodes.

The city-state is less universal than the band and the tribe, though it too has existed on all continents as the tribe's fades in the interstices of principalities and kingdoms, and on the margins of empires. It was certainly not a stage of humanity's morphological development, but a regional adaptation.

The city-state is above all a small entity, containing anywhere from a few hundred to a few thousand — in exceptional cases, a few tens of thousands — individuals; therefore, it

is small compared with its tribal neighbours or surrounding kingdoms. It is a group centred either on a village or a town that, whether or not it physically assembles all its members — some may live in the country — is the focal point for a group of people who consider themselves its constitutive elements. A city-state's constitutive units are not directly individuals, but larger mediating units — families, lineages, corporations, smaller and larger households. One of the city-state's most striking features is a clear distinction between private and public. It is reflected even in the organization of space and architecture, with public square and monuments separated from residences and private areas.

The city-state offers the conditions of possibility to democracy. The polity receives a definition that corresponds exactly to its concept and a perfectly explicit representation, from the fact of its rigorous identification with the city-state. This identification has led to confusions between the city-state as morphology, as polity or even as town. The citizens themselves do not make these distinctions. They identify themselves with their village or town as the polity that protects them from any exterior aggression. The oligopolar structure is assured by the fact that city-states are never isolated. They are always in clusters, each one having a limited number of components. Autonomous centres are constitutive units that populate structure and enliven the private sphere. Finally, virtues and non-vices are imposed, at least in rural city-states, by direct contact and small numbers, and in all of them by outside pressure from the partners/adversaries in the oligopolar system, as well as by the tribal, royal or imperial environment.

It should be noted that judging from ethnographical and historical documentation, these favourable conditions never lead to democratic regimes, but to oligarchic ones, either pure or with aristocratic overtones. This seemingly curious constant can be explained. The starting point is a social stratification into the elite, the people, and the downgraded, who have no political weight except in times of crisis. Public responsibilities take time and energy and entail a loss of private gain, but can bring power, prestige and also wealth, not through direct corruption, but rather through opportunities for lucrative deals or protective legislation. The people, who have no savings, can scarcely afford to hold public office, and are badly placed for profiting from its advantages. For the elite, the calculation is just the opposite. A spontaneous transaction can occur, by which the people abandon the management of public affairs to the elite, as long as they ensure the common good. But the people can force the elite to govern well, because they can rely on spontaneous coalitions and revolutionary tumult offered by the city-state with its small numbers and centrality. The most glorious example of this political equilibrium of city-states is the Venetian Republic, which endured on these foundations for more than 1,000 years, until 1797.

Modernity and democracy

The historical status of democracy can now be better understood. It was not invented by Europe or ancient Greece or anyone else, but by everybody, because it was the spontaneous, normal and exclusive regime of the human species for the first several tens of thousands of years of its presence on earth, until the Neolithic Age, above all a morphological and political phenomenon, came along and actualized, for 10,000 years or so, the whole range of possible regimes.

Western Europe reinvented democracy. This reinvention started with the revolt of the United Provinces[4] in the 1560s, and ended almost everywhere during the nineteenth century. It is quite possible to find the principal factors that made it possible. It is also a long and complicated undertaking. We will be forgiven, I trust, for reducing it to a gleaning of a few central themes.

The most central is perhaps the most remarkable characteristic of European history, the perpetuation of the oligopolar structure. Already Machiavelli had pointed out (for example in *The Art of War II,* and *The Prince* IV), that Europe's distinctive political feature, in contrast to that of other great cultural regions, was never to have been unified into an empire, but to have remained divided into polities. Today we can go much farther back in time, at least as far back as the Middle Bronze Age and the Indo-Europeanization of the third millennium B.C. and come back to the present: at no time, except for the ephemeral successes of Napoleon and Hitler, was Europe politically unified. The most serious attempt at imperialization was that of Rome, obstinately pursued for several centuries. The Romans did reach the Elbe, and it was hard to see how they could be prevented from going on to the Oder, then the Vistula and, perhaps, the Neman. However, in A.D. there occurred an unheard of catastrophe: Varus's three legions were completely annihilated in the forests of Thuringia by the Germanic tribal chief, Arminius. This event convinced the Emperor Augustus and his successors that the empire's military capacities in Europe should stop at the Rhine and the Danube. Charlemagne's empire attempted to link up with a Roman past that had remained its necessary reference, but its extent was limited and its duration even more so.

If we are reluctant to go so far back in time—and yet it must be done because the vast areas of civilization in Europe, the Middle East, India and China demand *A* perspective of at least 5,000 years — and if we confine ourselves to the final period of this very long history, we observe that since about the fifteenth century — following the century of wars marking the political departure from feudalism — there have always been at least five simultaneously active polities on the European transpolitical scene, and never more than ten. They can be quickly listed: England and France at all times; Spain, the Papal states, the Venetian Republic, the Netherlands, Sweden, Austria, Prussia, at one time or another. At each epoch, the transpolity was so structured that the coalitions were always strong enough to contain hegemonic and even imperial ambitions, particularly those of France and Germany. Ramillies in 1706, Waterloo in 1815, the Maine in 1914 and Moscow in 1941 are symbolic dates of the European deadlock in the oligopolar position.

It was in this framework that European polities were formed and consolidated. As always and everywhere, the carving up of the political map resulted from the interplay of geographical and cultural factors and constraints, as well as military, dynastic and matrimonial events. No European polity was the actualization of an eternal form or an artificial creation. Some of them took a long time to coagulate. Germany's political incompletion for so many centuries placed at the heart of Europe an unstable and fragile area, when the general equilibrium called for a particularly stable one. The most plausible explanation of this curious destiny is that the European phase of the reconstitution of polities — after the feudal dispersion from the tenth to the thirteenth centuries, which in the West succeeded around the fourteenth and fifteenth centuries — encountered insurmountable obstacles in the German states, because they were, by chance, in an

oligopolar situation, perfectly symbolized by the seven, then nine, electors, capable of electing and reducing to powerlessness the titular head of the German Holy Roman Empire.

The oligopolar structure is not in doubt and the polities' stability is guaranteed where democracy finally emerged, in the Netherlands, England, the United States and France. The presence of autonomous centres of decision in these polities was also guaranteed by the convergence of the most diverse elements.

The most decisive one was probably the social structure or, to be more precise, the social composition. Pre-modern and pre-industrial European societies are uniformly aristocratic and peasant. An aristocracy is made up of a juxtaposition of lineages distinguished by power, prestige and wealth. The lineages consider themselves and are considered as autonomous and even autocephalic regarding all exterior and superior power. The founding feature of democracy is given from the start: an aristocrat obeys only if he consents to, and he consents to obey only after considerations of particular and common interests. An aristocratic society can be visualized by the co-existence and juxtaposition of social pyramids, each one defined by a 'household', a dominant lineage gathering under its wings its relatives, clients, domestic servants and possibly its slaves. Above the aristocratic pyramids there is nothing, except that one of them is slightly higher than the others and its chief appears as a *primus inter pares,* useful for waging wars, serving as arbitrator between aristocrats and symbolizing a political and cultural unity. The most beautiful historical and literary example of aristocratic society is meticulously described in the *Iliad* and the *Odyssey* although one should be aware that Homer was writing in and for a city-state morphology and that this affects certain aspects of the description.

It is obvious that a society of aristocrats will present the most effective counter powers possible to any political power. They have the vocation, the will and the means of doing it. It is so true that, when an aristocratic society is taken into a polity that particular factors have led to autocracy, it can be definitely consolidated only by physically suppressing the aristocrats. Examples of this are the Gangesian rajahs' extermination of the Aryan aristocracy, the Julio-Claudian emperors' decimation of the Roman patricians and Ivan the Terrible's wiping out of the Russian boyars. In Europe, no monarch ever had the opportunity of that radical subversion, but all of them had to come to terms with their aristocrats: entrusting them with public responsibilities, tolerating the aristocrats' control of their actions and accepting the argument that large areas of social activities were private and out of the monarch's control. For better or for worse, according to the viewpoint, a monarch could subjugate his aristocracy, as Louis XIV[11] did at Versailles, but beginning with the Regency it became clear that this subservience was not definitive.

It can be argued that without the aristocracy, the *anciens regimes* would never have evolved into parliamentary monarchies. Where did this aristocracy come from? It had been in place for about 5,000 years, ever since Europe had become Indo-European. But it is still not known whether it was a wandering immigration of new peoples or the spread of cultural themes combined with endogenous evolution. Since then, this aristocracy has endured in all European ethnic groups — the Greeks, Latins, Italians, Celts, Germans, Illyrians, Baits, Slavs and Scandinavians. Of course, over the centuries, there was a replacement of the holders of these positions and of lineages, a result of demographic,

political and economic hazards, but this replacement was always organic and progressive. Even the great Germanic invasions of the fifth and sixth centuries did not substitute one aristocracy for another: the Roman and barbarian aristocracies merged into one, to create the Carolingian aristocracy, the one that feudalism would reinforce, develop and transmit to modern monarchies.

Let us suppose that the European social structure had offered only aristocrats as a group capable of taking charge of civil society. The political outcome might have been something quite different from what it was, and foreshadowed what has happened in Latin America in the nineteenth and twentieth centuries. Just after their independence, the polities replacing the Spanish and Portuguese empires had political developments similar to those that occurred in Europe, in their first aristocratic and oligarchic phases. The key was the same: the presence of aristocracies — brought together and reinforced by the bourgeoisies coming from distinct developments. But the following stage, the passage to democracy strictly speaking, collapsed and fell into populism, caudillism and political instability, because an essential element was lacking: a people made up of peasants.

A peasant is not just a farmer, a tiller of the soil. He is a household, a farmer with a wife and children, and if he is not owner of his land, he is at least its manager. He is a small-time entrepreneur, who has particular interests to defend and every means of doing so. He has prospects for the future and the hope of benefiting from his efforts. His household does not live in isolation, but in grouped or scattered dwellings, in symbiosis with other households, and together they form a small self-governing republic. In a word, a peasant people is free. It has its own objectives and can calculate the decisions it takes. Europe, at least the crucial regions, the West and centre, but also the North and South — were populated in the seventeenth, eighteenth and still in the nineteenth century with tens of millions of peasant households and tens of thousands of small rural republics. It is they — their children and grandchildren having become workers, employees, business executives, merchants, members of the liberal professions, teachers, in a word, the 'middle classes' — who gave accomplished democracy its private social foundation.

Where did this European peasantry come from? It is a long history that begins with the Neolithic Age, between 7,000 and 5,000 B. C., and goes from East to West and from South to North. It produced communities of peasant farmers and stock-breeders, owners for the most part. The Indo-European wave and aristocratization did not obliterate this past. All Indo-European societies included-a people of land-owning peasants, soldiers and members of the tribal assembly. This structure endured for thousands of years. It is on this basis that the great digression, between the third and thirteenth centuries, must be judged. A free peasantry was thrown into a more or less profound servitude, but rather less than more. Developments that were both economic and political ended up by producing the *latifundium*, the large property and autarkic farm, the most advantageous economic formula for everybody. At that point, the collapse of the central powers in the ninth century and the invention of feudalism to make up for it gave the aristocrats a power over peasants that exceeded anything in the past.

The details of this picture make clear why the democratic future was reserved in spite of all. The vast agriculture estates were in the minority and ephemeral. In any case, they were cultivated not by troops of slaves as in Roman times, but by peasant statute labour. The survival of those liable to statute labour was ensured by the plots of land cultivated

by households. The nuclear family has been the European norm for thousands of years among the people. As for the large properties, they were subdivided into lots and entrusted to households. When at the beginning of the eleventh century the rebirth of trade and towns and the establishment of a dense network of relationships made the latifundia obsolete, and massive clearing increased the amount of tillable land, the small farming by tenant farmers and, especially, farmers owning their land spread everywhere. From the fourteenth century and increasingly as time passed, they would become landowners and the social foundation of political developments.

It should be noted that in Eastern Europe and still more in Russia, this evolution was completely reversed from the sixteenth century, and a ‘second bondate’ was imposed on the peasantry by the aristocracy. In Russia this serfdom became slavery, pure and simple. It lasted legally until 1861 and actually well beyond, perhaps until modern times. This divergence is certainly not unconnected with the contrasting destinies of democracy in the West and the East of the continent.

9
CORRUPTIONS OF DEMOCRACY

The Greek philosophical tradition has imposed the idea that a political regime’s corruption is an internal decomposition and its mutation into another regime. Thus, two closely related problems are posed: the germs of corruption contained in the regime’s very nature and the fatal outcome of the illness. The latter problem poses in turn two others: the actual death of the regime and its successor. This vision, perfectly explained by Plato, rested on two assumptions: all regimes are corruptible and the number of possible regimes is limited. This resulted in a vision of an infinite cycle of regimes.

Modern political philosophy has introduced a radically different vision. The basic proposition is that there exists an absolutely good political regime. Two historical perceptions give two different versions of conclusions to be drawn from the proposition. Either we accept an evolutionist perception and are convinced that sooner or later men will realize the good regime through trial and error, because it is the only stable solution (this position was held by Herbert Spenser and Friedrich von Hayek, for example); or else, we support the voluntarist interpretation, for which it is possible to know rationally what the good regime is and, once it is known, to realize it. Therefore, the good regime’s incorruptibility is asserted.

Which vision should be adopted? To attempt a prudent response, it is best to start by distinguishing two different groups of phenomena which can affect democracy. One group is sensitive to the Platonic viewpoint, which insists on inevitable gaps between the ideal and reality: we shall speak of democratic deficiencies. The others refer to an Aristotelian viewpoint insisting on deviations from democracy’s principles and emphasizing it vices, faults and corruptions. Once these phenomena are well individualized, it becomes possible to analyse their plausible effect on the corruptibility of democracies. We shall reserve the analysis of the death and future of democracy for following chapter.

Democratic deficiencies

There are two types of deficiency. Certain disparities between the ideal and reality arise because democracy is rather a process of democratization, possibly spread over a very long time. At each moment, there is a gap between what must and can be actualized and what already has been. Other gaps appear less reducible. They result from the weight of constraints preventing historical democracies from approaching their ideal. It is possible to attribute each type of deficiency to a point of origin in democracy and to find the phenomena that are its direct consequences.

Democratic delays suppose that the democratic regime takes over from other regimes that leave it with a non-democratic heritage to deal with. Therefore, it would be difficult to observe this phenomenon in bands and tribes where it would be up to ethnology and history to examine rather democratic remanences in hierocratic regimes, either in the control of royal power by or popular or aristocratic counter powers, or in the ideology that obliges the sovereign to assure prosperity, justice and peace to his people. In the city-states, Athens and Rome for example, it is possible to explain a good part of events during their formative stage by the hypothesis of democratic delay or a gap to be filled in, because of the precedent aristocratic and oligarchic regimes. But it is the European democracies, heirs for the most part of the *anciens regimes* functioning according to different principles that give rise to the most apparent delays. Let us look at some of them.

It can be noted that especially in the seventeenth and eighteenth centuries, there was a widespread state intervention in the economic affairs of the various European monarchies. It resulted in the founding of public enterprises, the launching of vast works of infrastructures, the creation of all kinds of new branches of production, and so forth. The justifications for these infringements of the public sphere on the private were varied. The most pressing factor was no doubt a fiscal one: the royal coffers were always if not empty at least not full enough to provide for needs. Fiscality was an obsession primarily because of military expenditures which, themselves, were imposed by the oligopolar system of European equilibrium. We find an amazingly lucid explanation on this point in a report Cardinal Richelieu made to Louis XIII. He clearly stated that France’s foreign relations forced it to subordinate economic questions to problems of defence. The reasons were also doctrinal. Mercantilism dominated at least until the mid eighteenth century. It was based on the idea that a country’s wealth was its gold reserve, and that this reserve varied according to the balance of imports and exports. To make the balance as favourable as possible, the state had to control both. There was no dearth of ideological reasons. As hierocracies, even temperate ones, European monarchies, still stimulated in this sense by Christianity, considered themselves responsible not only for the general prosperity, but also for particular destitution. This destitution was either structural — the incompressible misery produced by every society — or circumstantial — the succession of shortages and famines that characterize an agrarian economy. The first concern, for example, produced the English poor law in the seventeenth century, making local collectivities responsible for providing basic needs to the impoverished. The second resulted in public importations of grain, and in finicky regulations regarding their domestic trade. A final less honourable reason was that the state economic interventions were the occasions for considerable gain for individuals fortunate enough to be involved in them, for crooks, but also for aristocrats, laden with titles but in need of money. Real pressure groups were formed, urging the multiplication of these interventions.

The result of these secular developments was that democracies inherited a division of public and private that was only remotely related to what it should be in a democracy conforming to its principles. Hence, there is a disparity both objective, in the actual division of jobs between civil society and the state, and subjective, in the perception by citizens and politicians of what just divisions ought to be. The disparity varies according to countries and their political past. In the nineteenth century, it was much more accentuated in Europe than in the United States and in France than in Great Britain.

Another democratic delay is easier to grasp. The revolution against the *anciens regimes* was led by the social elite, both aristocratic and common. As might be expected, the regimes replacing the hierocratic monarchies were in no way democratic in the beginning, rather more or less oligarchic. The right to vote, to take just one example, always excluded women, who represent a good half of the virtual body politic, in addition to portions of the male population deprived of suffrage by various property qualifications. Just as the disparity between the public sphere's principal role in economic affairs and its actual role inherited from the past provoked protests and attempts to correct it, the electoral injustice was expressed by movements for universal suffrage and that of the Suffragettes.

One final series of delays that interest us can be attributed to the diverse circumstances surrounding the birth of new regimes in the European polities. Passions, interests, ideologies, fashions/ an infinite variety of parameters affecting actors and their actions led to more or less hybrid compromises and to political institutions, indeed to polities, which were only remotely related to what a well-formed democracy would require. France, for example, pushed the polity's unitary and centralized structure very far, thus opposing the federal structure that obeys the principles of subsidiary and immediacy, which are more compatible with democracy. This situation is easily explained by the polity's former history, just as a more recent history explains why France adopted a semi-presidential, semi-parliamentary executive organization. In other words, it is neither one nor the other, and it is questionable whether it can respond to requirements of effectiveness and stability, especially after the experience of the Weimar Republic. Italy adopted a proportional electoral system, whose ravages can be limited by concord, tolerance and republican effectiveness, but which in a polity as fragile and divided as Italy leads to public impotence. In France, as in Italy — and we could find similar situations in all European democracies — these gaps create problems and movements for resolving them, calls for decentralization, constitutional reform, the respect for, and restoration of, regional cultures, and so forth.

Antidemocratic constraints produce incompressible gaps. By definition, a constraint is a given that actors cannot ignore, remove or modify. A first constraint weighing on democracy could be the economic cycle. For reasons it would be out of place to go into here, the economy, whatever it may be, has never been able to remain stable for very long, at least since the Neolithic mutation. Agrarian economies experience a succession of good, medium and bad harvests — according to a typical rhythm of 1-2-1. Trading economies have phases of expansion followed by periods of contraction. Modern economies are characterized by alternations of growth, stagnation, recession and crisis. It is a given imposed by the very nature of economics. All regimes have to adapt to this. Democracies adapt badly, because they promise prosperity and actually succeed, for the most part, both in the medium and long term. But in the short term, citizens can be

outraged by economic deficiencies and succumb to the illusion that it would be possible to suppress economic fluctuations by changing political regimes. But the constraint that is most irreducible and hostile to democracy is, without a doubt, social stratification, both in itself and as source of an infinity of secondary constraints. We have shown that in a pure and perfect democracy, shares would not be equal but fair. Each person would receive a share of power, wealth and prestige, according to his abilities, contributions and merits. There would be no rigid social stratification, but a multiplicity of fluid hierarchies, scarcely marked and permanently being restructured. In a word, personal mobility would be so intense that it would not even allow social mobility to be exercised.

Post-Neolithic historical reality is very far from this democratic ideal. Distortions are inevitable and arise from two converging mechanisms. Those who possess more power, prestige and wealth at a given time have more chances of keeping it than those who have less, simply because they have more of it. In fact, they can use part of this surplus to take on the expenses of coalition, to corrupt and to surround themselves with protégés. In the second place, the beneficiaries of this first advantage transfer to the following generation greater chances of occupying the same or even better positions. The result is a high coefficient of social reproduction, whose inevitable product is social stratification in the strict sense, where power, prestige and wealth depend in large measure on the social stratum where fate has placed individuals. The result is that abilities, contributions, and natural and personal merits can be pushed aside and frustrated by positions perpetuated and inherited in defiance of democratic justice.

The phenomenon is universal. It is seen as soon as resources are stocked and/or produced and, hence, can be accumulated, as soon as power is concentrated and institutionalized and prestige is attached to social roles more than to personalities. But the phenomenon does not harm hierocratic regimes; quite the contrary, it gets on very well with them, because they implant a legitimate hierarchy in a transcendent principle and the descending reversion of its charisma. These regimes not only have a social elite, but they can even sanctify and sanction them in a nobility. Democracy does not have this recourse. It has no legitimate means of justifying any distinction of conditions whatsoever: citizens are born with equal rights.

Therefore, in a democracy, the constraint of social stratification always produces protests against inequalities, whether they be just or unjust. The unjust inequalities give rise to all kinds of attempts to permit talents to express and realize themselves, or to equalize each person's chances at the start. Since chances are in part distributed by educational bodies, we witness the denunciation of their unequal qualities and the obstinate determination, in spite of past failures, to ensure that each child benefits from an education of equal quality. Protests can get out of hand and be addressed to inequalities that are fair according to democratic principles. They are then inspired by envy, by the passion to punish the rich for being rich — democratic envy generally spares the powerful, because they are dangerous, and the prestigious, because they are well regarded.

Democratic corruption

A systematic examination of corruption could use the Aristotelian scheme of corruption by deficiency and excess and apply it to certain essential realities of

democracy, freedom and justice. We would show, for example, how the citizen can see his freedom corrupted by a deficiency of choice, autonomy and direct participation. Such a meticulous examination would exceed the dimensions of this survey. We shall confine ourselves to the unsystematic analysis of major types of corruption — political, ideological and moral.

The best example of political corruption, also the most dangerous and least avoidable, is the political market. The word ‘market’ connotes exchange, sharing and exploration. We can set aside exploration, because on a political market, exploring a good and true end is not the actor’s major concern. Exchanges take place between private and public spheres. Private traders are particular interests who demand privileges, exemptions, protections, subsidies, etc., and who offer in return their votes and varying contributions to their partners’ electoral success. Their partners are politicians, who ask for votes and support in order to be elected and re-elected, and offer legislation, regulation and financing favourable to particular interests. Since isolated particular interests, individuals or small groups, cannot offer political support of sufficient weight, they must form coalitions to become effective. These formations are called ‘interest groups’. It is obvious that an interest group has chances of forming, lasting and influencing only if the transaction or coalition costs are inferior to the benefits drawn from the pressure exerted.

In what way is the phenomenon of interest groups and ‘lobbies’ — so familiar and seemingly natural in modern democracies - a corruption of democracy? At this stag% of our exposition, the response should be found spontaneously by each reader. Corruption is threefold. It focuses first on the vital distinction between public and private. In a democracy, the public sphere’s role is not to concern itself with particular interests, but exclusively with common interests. The corruption is all the more blatant because if the public sphere is invaded by special interest groups, the reverse will not be long in coming: the public sphere will invade the private sphere and start to interfere with the agoric mechanism. Corruption next touches the politicians whose role is very clearly defined by democratic principles: placing one’s abilities in the service of the common good. The only legitimate persuasion that a candidate can use to gain citizens’ votes is to convince them of the excellence of his interpretation of the common interest and the brilliance of his abilities for realizing them. The corruption of a coalition’s individual members is that they want to obtain on the markets greater shares than those that would be distributed to them spontaneously by incorporating particular interests into mean interests. It is cheating pure and simple; by sly since having taken care to establish an appropriate legislation, coalition members can no longer be punished. Thus the law itself, one of the most vital foundations for the good regime and democracy, is corrupted. We can unify these three corruptions into a unique expression: the political market institutes legal cheating.

This is inevitable. There is no example of a historical democracy that has not known it, to a greater or lesser degree. We could argue that even in tribal democracies it is found in disguised forms, in customs favouring certain categories — men over women, age over youth, the eldest over the youngest, the rich over the poor — in a word, favouring all those who have direct or indirect access to political power over those who are deprived of it. This corruption is unavoidable, because men are actually free and calculating, and free calculators will unfailingly discover the advantages of legal cheating. Similarly, it is in politicians’ interest not to depend solely on their presumed abilities for winning.

In this domain, it is even impossible to hope that actors will make the subtle calculation that, as we have seen, reduces the risks of cheating because the calculation is that if everybody cheats, everybody loses. This wager is based on the assumption that subtle calculators will be numerous enough to form a coalition and punish the bad or too subtle calculators. This rational self-control cannot be counted on here because of the costs of the transaction: all interests cannot form equally effective interest groups. The coalitions' hope of gain is not only fairly good, it is even very positive.

We can argue that the same is not true for politicians. If it is obviously advantageous to respond to the interest groups' appeals, all candidates will respond and the citizens who are too disgusted will simply cease to run for office. By this very fact, the advantages cancel each other out, because everybody benefits from them. The reasoning^ is correct, but it does not lead the way out of the political market. Candidates are condemned to stay there by a negative constraint of the same nature that also applies to advertising: doing it does not guarantee profit, but not doing it dooms one to losses.

As for this inevitable corruption's danger to democracy, it lies in jamming and disturbing the market/agoric mechanisms and abandoning common interests: it is hard to see how a democracy could survive this degeneration for very long.

Ideological corruptions are numerous and varied. All in all, every principle of democracy can fall victim to misinterpretation and each misinterpretation gives rise to ideological developments that are dangerous and even fatal for democracy, if they are applied.

The sovereignty of the people or, worse still, the Sovereignty of the People, might seem to be an essentially democratic expression, one hardly likely to be criticized by democracy itself. And yet! First of all, the people, and still less the People, do not exist. They are an abstraction, a collective which, as such, are perfectly silent and devoid of any will or capacity to act. The expression would be acceptable only if the word had in all languages the specific meaning that it has in English: people as folk, a group united over a long period by common cultural and social ties. The seats of power consist of citizens, taken individually or in private groups. They are real beings and not abstractions. To attribute power to the people is to guarantee that the people will be replaced by their self-appointed representatives, since the people is a silent abstraction. By developing this viewpoint unilaterally and logically, we end up with ideocratic tyrannies, where a self-appointed minority, 'the Party', is substituted for the People and considers itself to be the legitimate seat of power.

The notion of sovereignty increases the risk and crowns the antidemocratic usurpation. 'Sovereign' comes from the Latin word meaning 'supreme'. The word and the notion originate in a Christian hierocratic tradition. In it, power is rooted in God who is almighty. The sovereign, the king or the emperor, is his vicar on earth. By reversion, the vicar receives not omnipotence, which belongs to God alone, but a power whose accountability is to God alone. Secularize and democratize the notion and you get the almighty people, by a reversed movement of substitution: the people take the place of the sovereign who took God's place. Thus the people become God and can decide *anything at all*, since God is almighty. But the people are silent and decide nothing. Therefore it is their self-appointed representatives who become holders of total power. With this logic, one gets Lenin, Stalin, Hitler, Mao and all the other great criminals of this century.

Another ideological corruption, apparently harmless but actually fatal, is the opinion that democracy is ‘majority rule’. It is not an opinion but a reality on the public scene. When the number of citizens and the spreading of interpretations of the common good go beyond a certain threshold, making it impossible to reach unanimity by discussion, a majority vote is the only plausible technical solution for choosing an interpretation and a group of leaders. The corruption consists of extending the procedure to the reconciliation of particular interests. Instead of placing them on regulated agories/markets, so that free negotiations can transform them into mean interests, one organizes general assemblies where all particular interests can be expressed openly, before going to a vote, which will determine a majority whose exclusive interest will be imposed on all the others. This illegitimate procedure, which ought to be illegal in a democracy, is the occasion for every manipulation by organized cliques and the justification for oppressing minorities. Pushed to its limit, majority rule leads to autocracy.

Moral corruptions are also varied and numerous. They include all licentious developments, favoured by the guarantee of liberties to citizens, by the distinction between public and private and by the principle of the political legitimacy of all opinions and tastes. They include all the cheating in which the calculators and the vicious will not fail to indulge. Let us take a single corruption that could almost be qualified as psychic and whose repercussions on mores could jeopardize democracy’s moral foundations.

In the modern context, democratic reality tends to conform to its model on one point: everything rests on the individual. This development results from factors difficult to untangle, including democracy itself; the morphology of the nation, which tends to dissolve communities to the benefit of one, the nation ideally identified with a polity to give it substance; the increasing divisions of tasks and labours, imposed by technology and economic development; the individualization favoured by education; and the individualism propagated by different ideologies. The causes if not obscure are at least complex. The effects are visible to all.

When individuals, and no longer families, lineages, corporations, parishes, neighbourhoods, fraternities, etc., become basic cells, contrasting consequences affect these individuals. The stronger, in energy and capacity to set obtainable goals, can experience this ‘individualization’ as a liberation and enrichment, in contrast to situations where the individual must identify himself with and merge into groups and communities. But the strong are always a statistical minority, which can probably be attributed to the genetic lottery. The majority are neither strong nor weak, simply normal. By various adjustments, they can cope with the problems raised by the necessity of deciding on their own what they are going to do in life and then finding themselves solely responsible for the results attained.

The second minority, the weak, whose numbers vary with structural and circumstantial contexts, find themselves with unmanageable problems. Various handicaps and maladjustments — genetic, psychic, emotional, scholastic, professional, parental, marital — leave the weak hardly able to manage modern individualization for and by themselves. If we add that the effect of social stratification on these problems of adaptation and adjustment is great it explains the apparently incompressible production of a considerable fringe of social outcasts, which has been called the *quart rtwnde* (Fourth World or

‘underclass’) in France, and which tends to reproduce itself every generation, because in society bad luck is inherited just as good luck is.

The incorruptibility of democracy

The etiology is known, the diagnosis is gloomy, the prognosis guarded. Add to this the pervasive publicity about society’s evils and misfortunes, guaranteed by the freedom of speech and unrestrainedly exploited, because the only news is bad news, and we can understand why superficial observers of democracies are always very pessimistic about their fate. In limiting ourselves to modern democracies from the time of the United Provinces in the Netherlands, and a little later, the English parliamentary monarchy, the spectacle of the dissensions, successive scandals and endless recriminations either saddened or delighted outside observers, especially in France. These observers had the excuse of novelty. We no longer have that excuse after three or four centuries marked by the remarkable stability of Switzerland, the Netherlands, the United Kingdom, the United States or, better still, after the thousand-year existence of the Venetian Republic. These empirical data can be reinforced by reasoning that, while recognizing the reality and intensity of the deficiencies and corruptions of democracy, concludes, in spite of all, that it is durable when well formed.

Let us first look at the deficiencies. They have little chance of inflicting fatal blows. Those resulting from the incompletion of the transcription of democracy do not risk remaining wide open forever, on the one hand; and, on the other, the successive attempts to overcome them contribute to reinforcing democracy. We could examine French political history since 1789 from this viewpoint. It has been marked by the greatest institutional instability due above all to the divided opinions of the social and political elite over the good regime and just institutions. This instability, however, masks the fact that not only has France witnessed a pace of modernization comparable to that of her neighbours, but also it has never known serious and lasting corruption. It owes these two advantages to the fact that it brings together just as well as England, for example, democracy’s conditions of possibility. The instability masks another important development, namely that political crises and successive revolutions became rarer and especially less intense over time, because by convulsive movements, the elite have tended to become reconciled and the institutions to conform more with what they should be in democracy.

This example has a general value. Democratic deficiencies are bound to provoke political movements to correct them. The movements are sure to triumph sooner or later, and their victories contribute to the regime’s stability. But victory is assured for several reasons. A disparity — suffrage on the basis of property qualification, women’s inequality — can simply be too glaring and unjust from democracy’s point of view. Those who claim to perpetuate it have no rational argument; they can only base it on their prejudices and selfish interests. But this kind of defence does not stand up indefinitely in a democracy, because its ultimate rampart is force, whose illegitimate use in a democracy is eventually disqualified.

A deficiency can also prove to be too costly, by causing losses and offering advantages to competitors. Policies of privatization of the economy and opening up to foreign markets, which move in the direction of the democratic transcription in economy,

seek to fill in the democratic gaps not by virtue or democratic conviction, but more selfishly and humanly, because by not doing so a polity would inflict expensive handicaps on itself.

Finally, a disparity can become unmanageable through the accumulation of problems and dead ends that it inflicts on public and private actors. Policies of decentralization, whose logic is democratic, since they seek to transform a unitary structure into a federal one, must be interpreted in this sense.

In a word, all democratic deficiencies resulting from belated actualizations can be and are corrected. There is a staggering of democratization that contributes to stability by still another unexpected way. Political passions, which can be considered inextinguishable, can be applied to problems whose solutions are democratic, which avoids the risk of illegitimate and antidemocratic struggles. Inflexible deficiencies, those resulting in social stratification in particular, give rise to cynical considerations. Social stratification, by some definition, puts members of the social elite in strategic positions. This elite has all the necessary means for controlling and repressing attempts to dislodge it from its position. That is why, incidentally, the first condition of possibility for a revolution is — regardless of the political regime — the division of the elite. This is hardly likely in a democracy where the elite easily agree on the fundamental rules of the game. It is to historical accidents that the more or less profound and lasting division of the elite can be attributed in France, Italy, Spain, Greece, etc., and also to a certain political fragility.

It must also be said that only the passion for equality can persuade those who make a living out of it that the social elite has to fear the people’s repeated and vehement attacks. A simple and spontaneous psychic mechanism in a calculating animal like man disposes him to desire ardently only what he has reasonable chances of obtaining. The more excessive and rigid the stratification, the less it is contested. But the more blurred and supple it is, the less it becomes contestable, because the objectives become vague. It can be argued that a social structure conforming to the requirements of an ideal democracy, an unequal, just and changing structure, would make envy and resentment become vicious, but would deprive them of any realistic target.

The same cynical line of argument can be followed regarding corruption. The political market makes victims, but they are powerless. They are the young, whose entry onto the labour market is made more difficult by the imposition of a minimum wage and job security wrested by those who already have employment and wages. They are also the poor, the weak, the obscure, all those who have no means of forming interest groups, who do not vote or whose electoral clout is negligible. These disillusioned considerations suffice to explain why the political market treats older people better than children, especially unborn children. Consumers are also victims of the political market, because they pay more than they should for their goods and services. Everybody is a consumer, but the cost of forming a group is generally prohibitive. But even more seriously, the consumers who count are also producers, and, as such, they expect to benefit from the political market. Their expectations are realized in the short but not in the long term. A rational calculator will always choose the short term, because the too uncertain long term escapes him.

Moral corruption is not as fatal as it is said to be. It may be true that few men have a natural gift for virtue, but it is also true that few have a gift for vice. Only the sexually

obsessed and psychoanalysts are convinced that all human beings are sexually obsessed. Non-virtue and non-vice are more current tendencies, and they suffice to provide democracy with a fairly suitable human material. The great vices either remain private or else are practised by drop-outs, whose nuisance power is certain, but who sooner or later fall into the hands of the police and are sent to prison, before age calms them down.

The preceding arguments might fail to convince us of democratic immunity from corruption. We can take things from the other end and show that antidemocratic subversion, by legal or illegal means, is almost impossible or very improbable. A revolution is virtually excluded. A plot, such as Auguste Blanqui dreamt of and Curzio Malaparte feared, leads to nothing because the plurality of centres of decision requires the simultaneousness of a high number of strikes. In a democracy, private counter powers play a decisive role: they would rise up spontaneously and oppose a coup d'etat. Doubtless, the army, monopolizing weapons and knowing how to use them, could mount a victorious coup. But the fact is that no well-instituted democracy has ever been subjected to the test, because soldiers placed in crucial strategic positions are easily controlled by rapid and judicious rotation, neutralized by rivalries and little inclined to subversive political adventures, because they come from the same world as the political leaders. Furthermore, the army is not a good channel for the ambitious in democracy, because of its pacific and even pacifist bent. As for terrorist groups, they can cause a lot of damage and private suffering, but the chances of their gaining power by terrorist attacks is nil. They are hunted down as criminals and end up in prison or the graveyard.

Is a legal conquest of power by antidemocratic extremists conceivable? In a modern democracy the fear that the people might elect a tyrant has been incessantly transmitted. But it is a baseless fear, at least in a well-established and instituted democracy. Incidentally, this fear inevitably originates in reactionary circles, who would like to reserve the power of delegation for those who warrant it by their enlightenment and prudence, that is, for themselves. The fear is baseless also because the probability that citizens would be seized by a profound aversion for democratic institutions themselves is nil. When things are not going well and discontentment rises and intensifies, it is first addressed to the group in power.

The moderation of the majority of citizens is not mysterious. Just why would people who are free, calculating and end-oriented set about to destroy a regime that guarantees peace, a tolerable level of justice and prosperity in the medium and long term/ that leaves them free to follow their own opinions, tastes and instincts, that gives the majority the possibility of cheating legally on the political market, and whose only requirement is that each citizen be non-vicious? By what aberration would a definite majority abandon these advantages? No historical precedent permits us to have the slightest suspicion that it could happen in solid and stable democracies like the United States, the United Kingdom, Switzerland and the Netherlands, where dissatisfaction leads citizens quite simply to vote for the opposition. It would be necessary for a succession of groups in office to fail to resolve a particular crisis enduring over decades before citizens would question the worthiness of their institutions. This situation is not just improbable, it is quite impossible because democracy resolves all solvable problems and those that do not resolve themselves with time.

Now we come up against a paradox. The theory appears to demonstrate that democracies are incorruptible, in the sense that their corruptions do not cause them to perish. They are thus imperfect and immortal. But experience throughout the ages also shows us that not only are democracies imperfect, but that all also perish in the end. We have to resolve this paradox.

10
THE DEATH AND RESURRECTION OF DEMOCRACY

On the longest scale possible, that of the history of the species, democracy has died with polities. The fact is that it has always succeeded in being reborn elsewhere in another time. The most recent reincarnation was in Europe and the West, beginning in the sixteenth and seventeenth centuries. How has it survived the ordeals that the twentieth century has inflicted on humanity and democracy? As we approach the end of the century, the question can be asked and an answer proposed. Finally, can democracy's future be calculated on the basis of what we can observe today?

Democratic deaths

The most fascinating problem is that of the disappearance of tribal democracies, at the time of humanity's exit from the Palaeolithic Age and entry into the Neolithic. One long held perception, distorted by the scientific, technical and economic developments of the nineteenth century, imposed an evolutionist interpretation, having humanity progress from predation to the domestication of plants and animals, to weaving, to pottery, to urbanization, stratification — to all the adjustments strangely called 'civilization', before having to make the decisive step towards enlightenment and industry. The vision became blurred as chronologies became more specific and showed that the second stage did not form a temporal block, and especially as the image of predation characterized by deprivation and shortages was destroyed and replaced by the more plausible one of abundance. At that point, it became difficult to understand why men would have spontaneously left a state that, it would seem, gave them every satisfaction. One particularly crude and vulgar answer came from the United States. Human couples do not know how to behave; they have too many children, and are then obliged to invent technical solutions if they are not to starve. No archaeological data support this claim, and reason, on the contrary, points to economic growth as a consequence of increasing resources. We can construct a more plausible sequence that fits the archaeological, ethnographical and historical documents more closely. Humanity substituted the tribe for the band as the natural morphology of the species, not because of pressure but because of demographic saturation, that is, because space became so limited that spreading out became difficult and then impossible. From that time, insurmountable conflicts could no longer be settled by breaking up and scattering. Some other way had to be found, namely mechanisms of tribal fusion and fission, making it possible to oppose any force with equal force, and to control the consequences of violence. This morphological mutation was fraught with new virtualities in numerous domains: human groups and networks could assemble in much greater numbers; the production of food and crafts became useful and profitable; societies

could divide themselves into rich and poor; a division of tasks could appear and war could enter on the scene.

All these developments, whose complex sequences can be reconstructed, converged, in the political domain, in two evolutionary lines- One focused on polities, which became increasingly circumscribed and inclusive, by passing from the variable political level of tribal segmentation to chieftainships, then to the hierarchic network of chieftainships and finally to the kingdom and the empire. Since not all cultural regions experienced this sequence or did not follow it to the end, it is logically necessary that differential factors were at play. The other evolutionary line affected political power, which, leaving democracy, became oligarchic and aristocratic and then temperate and absolute hierocratic. The two lines reinforced and conditioned one another, so much so that this first death of democracy must be attributed to both of them.

In those places where the sequence unfolded entirely and endogenously — in the Middle East, China, Mexico and the Andes — it took from 5,000 to 7,000 years to move from the tribe to the empire, because the tribal oligopolar structure was so difficult to overcome. Democracy's death was not general since quite a few oligarchic tribes and democracies survived until the nineteenth century. Elsewhere, on the fringes and in the interstices of kingdoms and empires, radically new democratic experiences took place in urban city-states, in Phoenicia and Greece and their colonies, in Etruria and Rome. From a philhellenic exaggeration coming to us from the Romantics and the nineteenth century, we are accustomed to attributing the invention of democracy to Greece. The assertion is empirically false on two counts: Greek democracy was a reinvention of a regime that had been practised b) humanity for about 100,000 years; modern democracies owe nothing to the Greek experience, whose memory has been lost. Those ancient democracies, without exception, perished not because of evolution and internal subversion, but by foreign conquest.

The Greek city-states — whose regime was purely aristocratic oligarchic — were conquered by the Macedonian hierocracy of Philip II in 338 B.C. They could have been subjected much earlier and the Greek adventure smothered almost at its birth, if the Persians had not lost at Marathon, Salamis and Plataea (in 490, 480 and 479 B.C. respectively), more through negligence and nonchalance than through structural inferiority. The remarkable point is that the Greek transpolity's unification had to be imposed from the outside. All attempts coming from within had failed, in particular, the one launched from Athens that ended in the catastrophes of the Peloponnesian War (431-404 B.C.)

The Roman Republic's death was much more original. It was even unique. According to morphology, Rome was a city-state, first composed of villages on its Latium hills, and later urban, after it had conquered its first victims, Latium's other cities and central Italy, including Etruria. Its regime was purely aristocratic during the first centuries, when the patriciate and the Senate monopolized the public sphere. The democratic elements were wrested by the Plebeians, thus producing the Republic's famous expression, *senalus populusque romanus,* for designating the body politic. Rome's destiny is fascinating and has always fascinated observers, at least since the time of the Greek historian Polybius, because of its improbability. It was infinitely improbable that a tiny and miserable city-state in Latium would unify half of Europe, the Near East and the northern fringe of the

Sahara into an empire, and that this imperialization, achieved after eight centuries of wars, would cause the centre of gravity of history to shift towards North-Western Europe from the Middle East. The mystery remains today since all that is unique is mysterious. Polybius was right to look for the explanation in the fortunate combination of cohesion reinforced by the regime's democratic elements, excellence favoured by the aristocratic elements and efficiency guaranteed by the concentration of power at the level required by all circumstances. It could also be argued that, beyond Latium's unification, which took several centuries, Rome was always engaged in bi- or tripolar transpolities that were intrinsically unstable and from which it could not withdraw without conceding defeat. In short, Rome found itself constantly facing a unique alternative: conquer or perish.

The Roman polity conquered, but its republican regime perished. It was bound to perish, because a democratic regime, even if highly aristocratic and oligarchic, cannot manage an empire on a long-term basis. The tensions specific to an empire, the centrifugal internal tensions and the tensions exercised by neighbours among the frontiers, impose certain constraints which can be contained only by a concentration of power at the centre. But as power is concentrated, it becomes more tempting for the ambitious and easier to grab for the usurper: all it takes is a military coup d'etat. From the second century B.C., in a famous dispute with Scipio Aemilianus, Cato the Elder had pointed to the risk that Rome, in gaining an empire, was losing its regime and its soul. The regime perished almost the very day that the empire was completed. The empire's perfection can be dated from 31 B.C. and Actium. In 27 B.C., Octavian, the victor at Actium over the naval forces of Mark Antony and Cleopatra, became Augustus Caesar and the first emperor in a series that would be broken only in 1453 with the capture of Constantinople by the Ottomans.

It is fascinating for the analyst to study the difficulties that Rome's new masters encountered when trying to endow it with institutions adapted to an empire. It can be demonstrated that an empire requires an absolute hierocracy, where the social elite compose the civil, religious and military machinery of power, effectively controlled by the dynasty. Scipio thought that it was sufficient to adopt Hellenistic institutions. But already compromised by Mark Antony and his adventure with Cleopatra, the last of the Ptolemaic dynasty, these institutions were repugnant to republican mores, still keen at the empire's beginning, as was a kind of deification of Rome by the Romans. The fact is that under the Julio-Claudians and the Antonines, the imperial institutions and ideology were poorly defined even if the reality of power was clearly autocratic. Everything indicates that it would orient itself towards a Chinese type of solution, where stoicism would have given the services that Confucianism offered to China. The reign of Marcus Aurelius (A.D. 161-180) is the clearest indication of this. But the coup d'etat and palace revolutions caused a deviation in the course of things, and in the fourth century the most unexpected solution emerged: an absolute hierocracy of Christian inspiration, which Constantine durably inscribed in the European political heritage.

The political regimes installed by Rome's Germanic successors in the Latin Empire, and those developed by their Carolingian successors and then by the *anciens regimes* of Europe, can all be placed under the heading 'temperate hierocracy' and its various forms. It was, however, in this context that democracy was created anew, from the eleventh century. It is generally overlooked that this renaissance was twofold. The almost simultaneous emergence, in the eleventh and twelfth centuries, of innumerable small

republics made up of villages — born from the obsolescence of the feudal seigniories or the massive land clearing undertaken by the aristocracy and monasteries — is almost always omitted. These republics were not independent; not city-states, but they were self-managed communities. Over the centuries, they were incorporated just as they were into polities that successively consolidated themselves into Europe. They were still found in the nineteenth century in the rural communes making up the European countryside, at least in the West.

The other renaissance that of the urban city-states, was contemporaneous with the first. They owed their emergence to two distinct circumstances. As towns, they were affected by the revival of trade, commerce and the monetary economy of the eleventh century, coming as it did after several centuries of ruralization and autarky. As sovereign polities having right to peace and war, the medieval city-states owed their existence to the decomposition of monarchic institutions in the ninth and tenth centuries, and the feudal dispersion of the political order resulting from it. The towns were independent quite simply because no one was strong enough to control them and the princes and kings had even an interest in opposing them to the seigniors whom they wished to subjugate. The city-states — which like all city-states developed very clearly oligarchic regimes — flourished in northern and central Italy, the Netherlands, France, the Rhine valley, Southern Germany, Switzerland and along the Baltic coast. It was from these experiences that modem Europe would learn from its own experiences. All these urban democracies perished, some of them very late: Venice lasted until 1797 and Frankfurt until 1806. They disappeared either because principalities and kingdoms were reconstituted in the fourteenth and fifteenth centuries and they were retaken by the regal powers, or else, because they were themselves transformed into principalities with temperate hierocratic regimes. France is the model for the former possibility, where all the city-states became the king's 'loyal towns'. Florence and the Grand Duchy of Tuscany under the Medici illustrates the latter outcome.

Death and survival of modern democracies

If we look at the developments of democracy in Europe and the colonies it founded, we note that its modern cycle has benefited and continues to benefit from a radical novelty. The democratic camp as a whole is the strongest, and thus cannot perish from outside conquest. The empirical datum is striking. Democratized Europe dominated the world in the nineteenth century up until 1914, and the democratic United States has dominated it since 1945. We still have to determine and explain what happened between 1914 and 1945.

The attempt to explain the planetary superiority of Europe and the West would go beyond the scope of this book. At most, a few lines of argument can be sketched, taking democracy itself as the main thread. It can be argued that democracy in general is always more efficient, and modern democracy in particular has been exceptionally so; that modem democracy has succeeded in freeing itself from the handicap of number, which beforehand inflicted a fatal inferiority on it; that modern democracy is pacific, but not pacifist and does not suffer from the moral deficiency attributed to it by its enemies.

All things being equal, a democracy is always more efficient, thanks primarily to the agoric mechanisms that structure, drive and govern people's private activities while

guaranteeing them a satisfactory public order. The overall consequences are that each person is encouraged to give the most and best of himself. The encouragement is all the more keen since markets tend to reward talent, merit and contributions by proportional shares of power, prestige and wealth. And the possession of these shares is guaranteed for the individual and his family by property rights. These propositions apply to previous cycles of democracy, even though a current optical illusion and a spontaneous historiographical tendency to praise kingdoms and empires have masked the fact that the latter lived very much from borrowing and had their creative periods before the autocratic grip on power and during the phases when it slackened. These propositions have a striking application to democratic modernity. The superiority of Europe and the West has been primarily scientific, technical and economic. Developed from the seventeenth century, they burst forth in the nineteenth.

It is reasonably assured that the economic development of 'capitalism' is a consequence of democratization, the transcription in the economic order of principles whose political transcription is called democracy. The birth of mechanism between 1600 and 1630 remains a historic-graphical mystery. But the development of the sciences since then, at a moderate pace in the seventeenth and eighteenth centuries, explosive in the nineteenth and exponential in the twentieth, is also a transcription, in the rational cognitive order, of the same principles. In fact, the institutional and organizational foundation of this development is the explorations conducted by scientists and teams of scientists, who meet on a market of hypotheses, theories and experiments and are subjected to the sanction of the scientific community. The life of science rests on the private sphere's immunity, the freedom of opinion, secularization and a series of conditions that only democratic regimes or those on the road to democracy can assure. As for technical superiority, it results from the application of science to technique and the economic demand for ever more efficient techniques. But every technique can have applications that are equally civil and military. The West's military superiority, the result of its combined scientific and economic superiorities, had an unequal thrust during the 1980s, when the American armament programme brought the USSR to its knees and caused it to fall within a few years.

As late as the eighteenth century, theoreticians and columnists, Rousseau, for example, were convinced that democracy was possible only in small polities. The conviction came from memories of the classroom where one learned about Antiquity and the Middle Ages, and the Roman Republic's death when it became head of an empire. It is history and reality that have proved the philosophers wrong. By giving a federal structure to the new polity, the founding fathers of the United States gambled on the future. They wagered that number was an indifferent measure for democracy. That wager held in 1865, just after the well named War federation's solidity had been little tested. On the other hand, in Europe itself, democratization affected polities inherited from a long history and said to be unsuitable for democracy because of their immense size. Democratization overlooked this supposed handicap. Historical development has made the problem of number obsolete and transformed it into esoteric discussions on 'democracy according to the ancients and the moderns'. It remains true that number does affect democratic forms and institutions, and organizations will not be the same with 5,000 citizens as they will be with 500 million.

Modern democracies are pacific. The spirit of peace comes to them from several directions. The most obvious is the transposition to the exterior of an interior propensity for peacefulness, tolerance and compromise. These virtues required by the regime itself, as we have seen, and developed by political and social actors at least as non-vices — spinelessness, indifference, wheeling-and-dealing — can not easily be replaced on the trans-political scene by other more suitable virtues, such as steadfastness, courage, morally uncompromising attitudes, heroism.... The action of democratic leaders confronted with an exterior crisis will be to treat it as a problem that appropriate doses of goodwill on both sides ought to settle peacefully. These leaders are all the more inclined to do so since an oligopolar system, in which every democracy develops as in its nourishing earth, actually rests on defensive strategies, the rules of the game and people's rights. The European 'Entente between Nations', in place at least since the Treaties of Westphalia in 1648, had not prepared European leaders to cope with communist and fascist crooks, whose ideologies and regimes dispensed them from respecting any rule of the game. A third source for the spirit of peace is the activeness of civil society, and more precisely that of the economy. Citizens occupied as private actors, by their personal affairs, their desires to get rich and live lives of comfort and leisure, are hardly attracted by military weapons.

We cannot oppose this interpretation with the reality of nineteenth-century colonization. It was not led by the democracies themselves, but by adventurers, replaced by interest groups, supported in turn by political factions, themselves reinforced and ennobled by national and nationalist backing. All this almost gratuitously, because of the European superiorities pointed out earlier.

The spirit of peace is not pacifism, which is an ideology seeking peace at any price, as a final end and not, as is appropriate in a democracy, as the intermediate end of happiness and beatitude. The spirit of peace, tolerance and compromise come up against a threshold whose crossing could kill democracy. Democrats know this and do not cross it. Non-democrats do not know it and confuse the spirit of peace with decadent pacifism. Their awakening is brutal, as the Japanese militarists, the Nazis, the communists and Iraq have learned.

Modem democracy appears solidly in place and nothing in the foreseeable future could destroy it from within or without: the regime's intrinsic incorruptibility seems able to impose itself. And yet, we know that some democracies, even most democracies, foundered between the two world wars, either by internal usurpation or external subversion. In the summer of 1940, only Switzerland and Great Britain survived in Europe: Great Britain could have been invaded and conquered by the Wehrmacht in July/August 1940 and Switzerland did not carry much weight. Without the existence, permanence and invincibility of American democracy, the modern cycle might well have come to a premature end around 1940. The existence of the United States as a polity was a historical accident, just as all polities are: they might not have existed. Its perpetuity, on the other hand, is not an accident. It is due to a satisfying approximation of democratic institutions required for stability and effectiveness. Even the presidential regime, which a model of democracy would not recommend, has its vices corrected in large part by the reduced strength of American political parties, permitting a president to govern even when the congressional majority is held by the opposing party. As for the United States' invincibility, it can no doubt be attributed to geographical position and the polity's great

size, but also and especially to the fact that democracy's scientific, technical, economic and moral superiorities have particularly blossomed there — because these superiorities are also moral. Once citizens have decided on war, for example, they go into it with a zeal, inventiveness and tenacity reinforced by the feeling that they are risking their lives both for the common good and their particular interests.

But the fact remains that democracy came close to perishing in Europe after the death of some of the continent's democracies. All these deaths — in Italy, Germany, Spain and France — can be explained not by intrinsic vices of democracy in general, but by particular circumstances, by poorly conceived institutions and dubious births. Take the case of the Weimar Republic, whose fall has been many times proposed as being exemplary. It was anything but exemplary for democracy. It was born under the most unfavourable auspices. We can argue soundly that the German states, before their unification by Bismarck in 1871, benefited from the same advantages as the rest of Central and Western Europe, as far as conditions of possibility for democracy are concerned. But the circumstances and modes of the unification permitted Prussia and Bismarck to impose a hybrid compromise, combining a traditional temperate hierocracy, a modern constitutional and parliamentary monarchy and authoritarian tendencies. This regime went down to defeat in November 1918, less from a general uprising than from an abdication imposed on the dynasty. The republic that no one really wanted at its birth, and was unwilling to defend at any price, survived two plots, one by the communists in 1919 and the other by the fascists in 1923. These successes could have augured well for the regime's future and predicted an implantation as solid and durable as the Federal Republic established in 1949 after a new military catastrophe.

Unfortunately, the institutions adopted were ones most hostile to effectiveness and stability: a system of proportional representation ruled out any majority capable of governing and a semi-presidential, semi-parliamentary executive encouraged stalemate or plotting. The institutions' vices were revealed when an economic crisis of unheard of gravity reduced the government to impotence and caused a political polarization of extremes. But in Great Britain, the United States or any well-instituted democracy, democracy was not jeopardized. To make matters worse, the legitimate leaders of the time were so remarkably stupid that they calculated that by placing themselves in the ogre's hands, they could assuage his hunger. There is another circumstance, however, which has nothing to do with democracy as such, that must not be forgotten. The threatening presence of the USSR to the east, the panic fear that certain German ruling classes and a good portion of the people had of communism, even though it was imaginary, and the conviction often distilled by fear and panic that there is salvation only in the opposite extreme, these factors and still others, just as shallowly rooted in democracy itself, can explain why democracy nearly perished in Europe and would have perished in the world without the help of the American rock.

Fate determined that the modern cycle of democracy did not end in 1940. Can we calculate its chances of continuing in the future?

The future of democracy

No one knows the future. All we can do is estimate democracy's chances in the world's present state. But this present has been shaken to its core by the lifting, in 1989-

91, of the communist ideocratic stumbling-block. The most simple and sure approach is to take, one after the other, the first three conditions of possibility for democracy and calculate their chances of convergence, given the present course of human affairs on the planetary scale.

In the 'old worlds'- Palaeolithic, tribal, ancient, medieval and modern democracies required an oligopolar trans-political system, bringing together in one game at least five polities and not more than twenty. It is possible today to discern the emergence of a new trans-political system spreading around the entire globe. In December 1991, the official end of the communist regimes was reinforced by another event of historical importance, the dissolution of the USSR. Even if Russia were to succeed in restoring the Russian Empire, as the CIS and other developments lead us to suppose, one acquisition seems bound to last, namely, the disappearance of the bipolar system set up in 1945. The relations between the United States and the USSR for almost half a century were a pedagogical illustration of such a system's logic of distrust and instability. But scientific and technical developments had imposed the radical novelty of atomic weapons, making any direct military confrontation between the two poles irrational. Therefore, war was replaced by all imaginable forms of declared non-military rivalries, except the wars could be fought by substitutes. The result was the Cold War, or what Raymond Aron aptly called a 'bellicose peace'.

Two minus one equal one. Will the USSR's disappearance result in an American hegemony and a new authentically universal empire, just as happened when all the bipolar systems of the past merged into a single polity? There can be no doubt that the probability is nil. Certainly, American hegemony is assured in strictly military terms. Only the United States has the capacity to project its strength to any point on the globe. It ought to be able to maintain its superiority in the foreseeable future, that is, for at least a generation or two. But the chance or risk that military hegemony will be transformed into political hegemony is nil for two convergent reasons. The first one is that the democratic principles of the United States' political regime are actualized to the point that any long-term hegemonic strategy would clash with an insurmountable domestic opposition. Democracy itself would first have to be subverted, which seems utterly out of the question. The second reason is that even if the hegemonic will were to assert itself, it would immediately encounter a universal resistance that would be irresistible. American military strength guarantees that the United States can never be conquered and that its vital interests can be protected in all parts of the world. But it does not allow it to form an empire, because the nuclear strike has no rational offensive use: there would be no sense in conquering a polity wiped out by an atomic salvo

If not two, nor one: How many actors are there then on the trans-political scene? A polypolar system is not impossible in the strict sense, if the gigantic polities such as India, China and the United States were to break apart as the USSR has done. But the hypothesis is hardly plausible, because these polities, even if tormented by centrifugal forces, are not empires. The most likely configuration is an oligopolar system bringing together from five to ten actors, not more, because there is no more place for politics that are 'millionaires' in terms of square kilometres and inhabitants. We can even draw up a possible list: the United States, India, China and Russia would seem certain to be among them; Europe also, if it becomes a federation; Brazil if it stabilizes and rationalizes its

political institutions; perhaps the Pacific archipelago around Japan; there is no sign yet of any African polity in this group.

The consequences would be decisive for humanity, embarked for the first time on a unique history. An oligopolar system is stable over the very long term, on the scale of millennia, which would permit the control of violence. Nevertheless, an oligopolar transpolity would not eliminate war. But since each oligopolity would have enough atomic weapons to prevent any direct attack — an oligopolar system, in fact, supposes that the actors possess roughly equivalent military strengths — wars between them would be almost impossible. They would break out in local and regional interstices in the system. The system's long-term stability would permit defining the rules of the game, and this would result in the massive development of a trans-political right and common procedures for verifying and respecting it. Hence, common organs and projects for resolving common problems could multiply. It would no longer be a mere trans-polity, and yet it would still not be a polity. It would be a planetary confederation. Each reader can judge for himself whether the outline for such a system has already been sketched.

Democratization and democracy also require stable polities. We know that the polity can adopt either a unitary or federal structure. In the last centuries, and even millennia, the unitary structure was favoured either by certain morphologies, in particular city-states or nations, or by certain political regimes such as absolute hierocracies and, especially, autocracies, or by the collaboration of morphologies and regimes. However, the federal structure is better adapted to democracy. It makes it possible to maintain the delegations of power much closer to citizens, multiplies the obstacles to tyrannical corruption and facilitates the exploration of solutions to common interest problems, by allowing for local and regional experimentation and for the diffusion of the most promising solutions through borrowing. It has the advantage of aiding the political coexistence of the most diverse populations, those contrasting most by race, history, culture, religion, etc., by everything that can divide the human type into cultural species inclined to enmity.

We can argue that present prospects favour the federal structure. Most of the presumed oligopolies are already federations or can only be born as federations, for example, Europe or a possible African pole in Southern Africa. Human societies are increasingly complex and interconnected: polycentred structures and heterarchic regulations are the only effective solutions for the management of interconnection and complexity. It is a platitude, but platitudes can be true, that the planet is becoming a canton. One probable consequence among others of more direct and frequent contact would not be homogenization but, on the contrary, sharpened contrasts and peoples' awareness of them. On the other hand, the planet's shrinking should transform it into a unified demographic pool and facilitate migrations in all directions. Add to this the constraints favouring political grouping exercised by the trans-political system and the radical incompatibility of ethnic groups and nationalism with all these movements and the result is a problem of coexistence for which federal structures are the only practical solution in the long term.

A final argument is more subtle, but no less real. Perhaps the most distinctive feature of modernity and modernization is what Friedrich Schiller so clearly perceived at the time of its emergence at the end of the eighteenth century, when he wrote about the substitution of the 'sentimental' for the 'naive'. This feature is the triumph of the

reflective over the spontaneous. For human sodality, this characteristic signifies that life in a group, in a polity and society, depends less and less on the organic adhesion to substantial realities and more and more on definitions and respect for rules of the game by individuals, small communities and functional groups, companies for example. If the diagnosis is exact — sociologists since the turn of the nineteenth century and sociology's official birth with Auguste Comte have constantly suggested it in varying but convergent terms — we can argue that the more flexible and federal the polity's structure, the greater the coherence, because centrifugal forces tend to disperse within the whole and cancel each other out. These movements could lead to the emergence of a new morphology which can already be sensed in certain European developments, in the context of the European Community having become the European Union, which we too often forget is a completely new historical form.

We shall end our reflections with the autonomous centres of decision, with the private sphere, or civil society, as we like to term it. Democracy requires a civil society that is solid enough to oppose state invasions, and vigorous enough to resolve conflicts of interest on its own. In the 'old worlds', the autonomous centres were families, lineages, aristocracies, farmers, the middle classes. The centres on which democracies in the past were supported have disappeared, are condemned to disappear or do not exist. Democracies in future generations must discover new social foundations. We do not have to look very long before spotting them. The almost certainly irreversible fall and disappearance of communism has brought about a great novelty: the definitive shattering of illusions that there can be any way towards economic modernization other than capitalism. Today, everybody knows what minds uninfluenced by ideology always knew, namely, that the condition for sustained economic development is the combination of rights of property, markets and entrepreneurs.

After the failure and elimination of ideocraric regimes, the only plausible alternative to democracy is the authoritarian regime. But, the authoritarian regime, defined by the monopoly of political power by a self-appointed group — most often military — and by its refusal to absorb the private into the public, is not in principle hostile to capitalism. Since we can postulate that economic development has and will continue to have an irresistible appeal for all polities, one can wager, with reasonable chances of winning, that in the decades to come, capitalism will be adopted in all polities, that everywhere property rights will be guaranteed, markets regulated so as to reproduce the most exact prices possible and reflect relative scarcities as closely as possible, and entrepreneurs will be left free to launch new projects. The authoritarian usurpers who could not decide to take these steps would condemn their polities to stagnation, indeed to decline, which trans-political competition would not ignore for very long.

This same competition will oblige politicians to reserve their concern for useful and effective economic measures. They are of two types. Some encourage investment in the structural foundations of development, that is, in infrastructures and quality education, diverse and flexible enough to adapt itself to all talents and produce all qualifications. Others are more delicate to handle: to practise a budgetary, fiscal and monetary policy that maintains inflation as close as possible to zero; to encourage the authenticity of prices, with the justified conviction that prices are the most pertinent and indispensable types of economic information; to intervene in the economy only to force its opening up to world markets and, inasmuch as possible, its conformity to the law of comparative

advantages. In a word, the planet could see the multiplication of the 'tigers' that were born during the last twenty or thirty years ago in Asia. In particular, each candidate for an oligopolar place in the trans-political system cannot but move in this direction, whether its regime be democratic or authoritarian, otherwise it will lose or never acquire its status.

The consequences of these probable developments will be a generalized economic development and a tendency towards the reduction of disparities between regions and polities in the coming decades, not by a redistribution between rich and poor, but by enrichment of the poor. No human group is condemned to poverty, other than by its political regime and politicians. Economic development is expressed in social terms by massive production of medium- and high-level executives, educated and brought together in companies, associations and diverse groups. It is they that are the new autonomous centres of decision, those that are structuring the private sphere in a modern society. These centres provide stable social bases to already established democracies. They are their new middle classes. In authoritarian regimes, these middle classes, educated and aware of their importance, will sooner or later demand their liberties and a proper regime. The Korean events of 1987-88, and those in Thailand in 1992, in all likelihood foreshadow events that should multiply in the decades to come.

Beyond that, it is impossible to predict or even sense what may happen, because the historical imagination does not extend past the extrapolation of the present. Let us end on this optimistic note whose principal merit may be simply to change the apocalyptic forecasts that the twentieth century's tragic history has only multiplied until now.

CONCLUSIONS

Our journey to the country of democracy has been brief in time, but immense in so far as the ground covered. I should now like to point out a few useful lessons that can be learned from it.

Perhaps the first one would be that it is quite possible to acquire the intellectual means for overcoming the distinction between factual and value judgements, introduced in the eighteenth century. The distinction is obviously valid in the physical and biological realms, but it is doubtfully so in the human one. Man is also an animal, who values, because he cannot do otherwise. He cannot, because his nature and condition pose problems that he is forced to solve if he wants to survive. Since there are problems and solutions, there are well-posed problems and true and good solutions, just as there are poorly posed problems and false and bad solutions. For the actors in the human adventure, good and bad solutions are not equivalent. It is important that they find solutions ensuring peace, justice, prosperity, effectiveness, happiness, beatitude, etc., and that they avoid solutions leading to their opposites. The scholar who claims to explain the human adventure cannot ignore these spontaneous, natural and justified developments without missing the point of his study. He does not have the scientific right to set aside what the actors underline. This position does not contradict another demand made of science, namely, having it examine all its objects with the same objectivity. We can apply the same rational rigour to both democracy and tyranny, but without feeling obliged to place them on the same human plane.

A second lesson from our study could be the return to a tradition that predominated up to the end of the eighteenth century. This tradition insisted on the centrality of the political order and the political regime in human affairs. Central does not mean ultimate or highest. Man's highest ends are not political, but ethical and perhaps religious. But, if his immediate and highest ends are to have the chance of being realized reasonably well, he must begin by living under a fairly bearable political regime. The nineteenth century spread the strange and dangerous opinion that it is the economic and not the political order that lies at the heart of the human system. The idea was strange, because it is enough to ask on what the economic order depends in turn, to know that the principal determining factors are political. The idea was also dangerous, because it could lead to the consideration that political factors were secondary and negligible. From this perspective, there was only one step to make for sacrificing democracy because of an economic crisis or development. In the twentieth century, this step has often been taken, and has led to both political and economic catastrophes.

The third lesson has the value of a historical hypothesis. Modernity, that great upheaval in the human adventure, that began in Europe in the seventeenth century and now, at the end of the twentieth, has spread over the entire planet, posed and continues to pose a twofold problem to historians, sociologists and philosophers. The first aspect focuses on the nature of the novelty and its expressions. It was concluded a long time ago that modernity touches all aspects of the human condition that is expressed in the political, cognitive, religious, technical and economic orders, because no order of human activity remains untouched. The second half of the problem remains, however. What is the decisive factor explaining this upheaval? Our answer is univocal. Modernity is basically a gigantic and universally pertinent phenomenon of transcription in all domains of principles, where political transcription is called democracy and its economic one capitalism. As for the transcription's initial mover, it is political, by virtue of the centrality of the political order. It is the movement of democratization, which began to work on the European *anctens regimes* at the turn of the sixteenth and seventeenth centuries that is modernity's ultimate cause.

A final lesson will be the resolute rejection of all evolutionism. The eighteenth century popularized a general conception of human history that combined the necessary succession of certain stages with the inevitable march of progress. I would staunchly defend a very different vision. It is clear from empirical data that humanity has passed through several decisive stages. We can hesitate between a binary and a ternary perception, the former distinguishing the natural history of the species during the Palaeolithic Age from its varied histories since the Neolithic Age, whereas the latter considers modernity a distant phase, because it is leading right now to the unification of all human histories into the first history common to every species. But, for me, this succession of stages is not something inevitable, led by an endogenous evolution that no one has ever been able to locate, but the consequence of an infinity of accidents and contingencies, whose intelligibility can only be perceived in retrospect. As for the evolutionist's belief in progress, it must be completely abandoned. Undoubtedly, we can speak of progress in knowledge and techniques, but who would dare to argue that American or Swiss democracy is an advance over tribal democracy, that economic development makes men more prosperous or that modernity makes them wiser and happier?

Glossary

To help in understanding this rather compact text, some of the recurrent technical terms are defined here.

Agory: derived from *agora*, the Greek word for assembly, public place, market, has been adopted here to designate a social space where actors meet with supplies and demands to exchange, share and explore; economic agories are markets in the strict sense.

Aristocracy: a set of lineages, distinguished by access to power, prestige and wealth, by its independence from political power and its control of attendants, protégés and servants.

Ballot: an electoral system's technical method; it is (a) a majority system when in any given constituency the candidate receiving the majority of votes is elected; elections on a majority basis can take place in one or two rounds, and be uni- or multinominal; and (b) a proportional system when the seats are distributed to different electoral lists competing in a constituency in proportion to the number of votes received.

Corruption: the failure to conform to ends defined in each order and to the regimes allowing them to be attained; corruption is to be distinguished from perversion.

Emergence: historical phenomena indicating the progressive and discontinuous formation of structures, without the awareness of the actors producing them.

End: the ideal solution given to a fundamental problem posed by human nature and condition; health, prosperity, peace, beatitude are ends among others. Ends are the responsibility of orders.

End-orientation: along with freedom and rationality, a basic feature of human nature, orienting it towards the pursuit of man's ends.

Equity: a superior form of justice that considers cases and circumstances, in order to correct law and right, making them even more just.

Freedom: along with end-orientation and rationality, a basic trait of human nature, expressing the fact that this nature is virtual and must be actualized in cultures; freedom has three definitions or dimensions: (a) *choice* on a range of possibilities; (b) *autonomy* of deliberations focusing on these choices; and (c) *rectitude* concerning deliberations and choices, that is, the fact of choosing the true, good and useful in one's activities.

Heterarchy: a method of organization in which an ensemble's elements contribute to its ultimate purpose, by adjusting themselves through successive corrections, superior level of decision.

Hierarchy: the arrangement of an ensemble's elements on a graduated scale, where each higher level prevails over a lower one in terms of power, prestige and/or wealth.

Immediacy (principle of): a federal polity's principle of organization, stipulating that each citizen must have direct access to each federal level for what concerns it; mediacy designates a principle by which each level's sole substance comes from that conferred by delegation and reversion from political authorities on a lower level.

Interest: everything in a human activity that can be related to a motive and purpose; an interest can be: *singular,* when it is limited to a unique circumstantial activity; *particular,* when a social actor gives an order of preference to his singular interests; *individual,* when it designates an individual's particular interest; *collective,* when a group's particular interest is concerned; *common,* when a singular interest is found in each particular, individual and collective interest of every member of a polity; *mean,* when it results from the aggregation and spontaneous composition of particular interests on agoras; and *general,* when one invents the fiction of a collectivity's interest as such, abstracted from the actors composing it; the general interest is the disguise worn by particular interests when they want to impose themselves on others illegitimately.

Justice: the privileged means for realizing the end of politics, that is, peace among citizens; justice has two subdivisions: the first is *law,* which oversees: *constitutional justice,* which defines a polity's fundamental rules of the game; and *legal justice,* which defines contingent rules. The second is *right,* which includes: *distributive justice,* which aims to give each citizen his merited shares of power, prestige and wealth; *contractual justice,* which ensures that contracts respect equality in exchanges; *punitive justice,* which penalizes those who transgress the law and the right; and *corrective justice,* which corrects the deviations affecting all forms of justice.

Law: transcription of the rules of the game defined by the unwritten law of the good regime into written law or custom.

Legality: a law's conformity to the requirements of constitutional justice, which specifies the procedures to be followed for enacting legislation.

Legitimacy: conformity of the written (i.e. legally stated) law to the unwritten law defined by the good regime, which ensures peace and justice.

Order: domain of human activities defined by an end and the system of means developed for realizing it; the political, economic, religious and ethical orders, among others.

Peace: the end of the political order; between polities, peace designates the absence of war; within a polity, peace is not the absence of conflict, but its non-violent resolution.

Perversion: a form of corruption that consists of inverting values, considering the false as true, evil as good, harmful as useful.

Political market: a form of democratic corruption, expressed by the formal or informal establishment of an agory where interest groups seek to gain legal protection, exemptions and subsidies from politicians in exchange for their support for politicians' election or re-election.

Political regime: the set of suitable means for realizing peace and justice in a polity; more precisely the regulation of power relationships within a polity; a regime can be qualified in numerous ways: a regime is:

• *aristocratic,* when only aristocratic lineages are seats of power;

• *autocratic,* when an individual or small group seizes power by violence and ruse and exercises it using the same means;

• *democratic,* when all of a polity's members are seats of ail delegations of power;

• *hierocratic*, when a dynasty presents itself and is accepted as the vicar of a transcendent principle, from which it has received the responsibility for ensuring peace, justice and prosperity in a polity (a chieftainship, kingdom or empire); a hierocracy is temperate when the dynasty's power is controlled by autonomous social forces, in particular, by aristocratic lineages; it is absolute when the social elite tend to merge with the power's military, administrative and religious apparatus;

• *ideocratic,* when autocrats consider themselves heralds of a Utopia that they seek to impose on reality by means of terror;

• *ochlocratic*, when a democracy's citizens are reduced to a mob *(ochlos* in Greek), responsive to the appeals of demagogues;

• *oligarchic,* when only the rich, defined by a certain level of fortune or income, are seats of power;

• *plutocratic,* a pejorative description for an oligarchic regime *(ploutos* = 'wealth' in Greek).

Rationality: along with end-orientation and freedom, a basic trait of human nature, designating the capacity to resolve problems posed by the pursuit of ends and the exercise of freedom.

Right: a subdivision of justice, responsible for giving each person his due; it includes the distributive, contractual, punitive and corrective justices; it should not be confused with law.

Sociability: human capacity to form networks, through which individuals and groups can carry out exchanges of all kinds.

Sociality: human capacity to form morphologies, which cement individuals, groups and networks into coherent societies.

Sodality: human capacity to form groups, defined as collective actors, capable of pursuing ends and acting as units of activity.

Subsidiarity (principle of): a federal polity's principle of organization, stipulating that every public problem of common interest must be treated at the structure's lowest level and the one closest to citizens, and that only a problem insoluble at a lower level must be carried to a higher one.

Transpolity: a system of action composed of at least two polities; depending on the number of polities, transpolitical systems follow very different rationalities; the systems known as:

• *bipolar* (with two polities), but also *tri*- and *tetrapolar* (with three or four polities), are unstable by nature and sooner or later lead to imperial unification;

• *oligopolar* (with from five to twenty or so polities) are stable and durable over the very long term;

• *polypolar* (with several dozen polities) are unstable and eventually lead towards more limited configurations.

Virtue: a permanent disposition, more or less innate or acquired, spontaneous or deliberate, that makes an actor capable of pursuing ends.

End